

Representative Brad M. Daw proposes the following substitute bill:

**INITIATIVES, REFERENDA, AND OTHER POLITICAL
ACTIVITIES**

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to initiatives, referenda, and political activities of public entities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the publication of a proposition information pamphlet to inform voters of arguments for and against proposed and pending local initiatives and referenda;
- ▶ amends provisions relating to a local voter information pamphlet;
- ▶ enacts provisions for holding a public hearing to discuss and present arguments relating to a proposed or pending local initiative or referendum;
- ▶ requires the lieutenant governor to create instructional materials regarding local initiatives and referenda;
- ▶ modifies requirements relating to local initiatives and referenda, including:
 - petition, petition circulation, and petition signature requirements;
 - timelines; and
 - appeals and other challenges;



- 26 ▶ enacts provisions relating to determining whether a proposed local initiative or
- 27 referendum is legally referable to voters;
- 28 ▶ amends provisions regarding the use of email, and the expenditure of public funds,
- 29 for political purposes relating to proposed and pending initiatives and referenda;
- 30 ▶ requires certain municipalities to establish voter participation areas;
- 31 ▶ modifies signature requirements for a local initiative or referendum;
- 32 ▶ establishes procedures and requirements relating to a referendum for a local land
- 33 use law;
- 34 ▶ modifies a referendum petition and signature sheets for a local referendum;
- 35 ▶ amends provisions relating to unlawful verification of a local referendum packet;
- 36 ▶ modifies signature submission requirements, and signature removal procedures and
- 37 requirements, relating to a local referendum;
- 38 ▶ amends provisions regarding the use of email, and the expenditure of public funds,
- 39 for political purposes relating to proposed and pending local initiatives and
- 40 referenda;
- 41 ▶ regulates the dissemination of information regarding a proposed or pending
- 42 initiative or referendum by a county or municipality; and
- 43 ▶ makes technical and conforming amendments.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides revisor instructions.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **11-14-301**, as last amended by Laws of Utah 2018, Chapter 284

51 **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

52 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

53 **20A-7-501**, as last amended by Laws of Utah 2016, Chapter 176

54 **20A-7-502**, as last amended by Laws of Utah 2017, Chapter 291

55 **20A-7-502.5**, as last amended by Laws of Utah 2017, Chapter 291

56 **20A-7-504**, as last amended by Laws of Utah 2016, Chapter 365

- 57 **20A-7-505**, as last amended by Laws of Utah 2012, Chapter 72
- 58 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
- 59 **20A-7-506.3**, as last amended by Laws of Utah 2011, Chapter 17
- 60 **20A-7-507**, as last amended by Laws of Utah 2011, Chapter 17
- 61 **20A-7-508**, as last amended by Laws of Utah 2017, Chapter 291
- 62 **20A-7-509**, as last amended by Laws of Utah 2009, Chapter 202
- 63 **20A-7-510**, as last amended by Laws of Utah 2010, Chapter 367
- 64 **20A-7-512**, as last amended by Laws of Utah 2013, Chapter 253
- 65 **20A-7-513**, as last amended by Laws of Utah 2017, Chapter 291
- 66 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
- 67 **20A-7-602**, as last amended by Laws of Utah 2016, Chapter 365
- 68 **20A-7-602.5**, as enacted by Laws of Utah 2014, Chapter 364
- 69 **20A-7-603**, as last amended by Laws of Utah 2016, Chapter 365
- 70 **20A-7-604**, as last amended by Laws of Utah 2016, Chapter 365
- 71 **20A-7-605**, as last amended by Laws of Utah 2012, Chapter 72
- 72 **20A-7-606.3**, as last amended by Laws of Utah 2011, Chapter 17
- 73 **20A-7-607**, as last amended by Laws of Utah 2014, Chapter 396
- 74 **20A-7-608**, as last amended by Laws of Utah 2008, Chapter 315
- 75 **20A-7-609.5**, as enacted by Laws of Utah 2014, Chapter 396
- 76 **20A-7-610**, as last amended by Laws of Utah 2010, Chapter 367
- 77 **20A-7-612**, as last amended by Laws of Utah 2001, Chapter 20
- 78 **20A-7-613**, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
- 79 **20A-11-1202**, as last amended by Laws of Utah 2017, Chapter 68
- 80 **20A-11-1203**, as last amended by Laws of Utah 2015, Chapter 435
- 81 **20A-11-1205**, as last amended by Laws of Utah 2018, Chapter 44
- 82 **20A-11-1206**, as enacted by Laws of Utah 2015, Chapter 435
- 83 **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458
- 84 ENACTS:
- 85 **20A-7-401.3**, Utah Code Annotated 1953
- 86 **20A-7-401.5**, Utah Code Annotated 1953
- 87 **20A-7-405**, Utah Code Annotated 1953

- 88 20A-7-406, Utah Code Annotated 1953
- 89 20A-7-407, Utah Code Annotated 1953
- 90 20A-7-502.7, Utah Code Annotated 1953
- 91 20A-7-602.7, Utah Code Annotated 1953
- 92 20A-7-602.8, Utah Code Annotated 1953

Utah Code Sections Affected by Revisor Instructions:

- 94 20A-7-407, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 11-14-301 is amended to read:

11-14-301. Issuance of bonds by governing body -- Computation of indebtedness under constitutional and statutory limitations.

(1) If the governing body has declared the bond proposition to have carried and no contest has been filed, or if a contest has been filed and favorably terminated, the governing body may proceed to issue the bonds voted at the election.

(2) (a) It is not necessary that all of the bonds be issued at one time, but, except as otherwise provided in this Subsection (2), bonds approved by the voters may not be issued more than 10 years after the day on which the election is held.

(b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the 10-year period:

(i) an application for a referendum petition is filed with a local clerk, in accordance with Section 20A-7-602 [~~and Subsection 20A-7-601(3)(a)~~], with respect to the local obligation law relating to the bonds; or

(ii) the bonds are challenged in a court of law or an administrative proceeding in relation to:

(A) the legality or validity of the bonds, or the election or proceedings authorizing the bonds;

(B) the authority of the local political subdivision to issue the bonds;

(C) the provisions made for the security or payment of the bonds; or

(D) any other issue that materially and adversely affects the marketability of the bonds, as determined by the individual or body that holds the executive powers of the local political

119 subdivision.

120 (c) ~~[A]~~ For a bond described in this section that is approved by voters on or after May
 121 8, 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the
 122 later of the day on which:

123 (i) the local clerk determines that the petition is insufficient, in accordance with
 124 Subsection 20A-7-607(2)(c), unless an application, described in Subsection 20A-7-607(4)(a), is
 125 made to ~~the Supreme Court~~ a court;

126 (ii) ~~the Supreme Court~~ a court determines, under Subsection 20A-7-607(4)(c), that
 127 the petition for the referendum is not legally sufficient; or

128 (iii) for a referendum petition that is sufficient, the governing body declares, as
 129 provided by law, the results of the referendum election on the local obligation law.

130 (d) For a bond described in this section that was approved by voters on or after May
 131 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

132 (i) if a county, city, town, metro township, or court determines, under Section
 133 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

134 (A) the day on which the county, city, town, or metro township provides the notice
 135 described in Subsection 20A-7-602.7(1)(b)(ii); or

136 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court
 137 decision that the proposed referendum is not legally referable to voters becomes final; or

138 (ii) if a county, city, town, metro township, or court determines, under Section
 139 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

140 (A) the day on which the local clerk determines, under Section 20A-7-607, that the
 141 number of certified names is insufficient for the proposed referendum to appear on the ballot;

142 or

143 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified
 144 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
 145 governing body declares, as provided by law, the results of the referendum election on the local
 146 obligation law.

147 ~~(e)~~ (e) A tolling period described in Subsection (2)(b)(ii) ends after:

148 (i) there is a final settlement, a final adjudication, or another type of final resolution of
 149 all challenges described in Subsection (2)(b)(ii); and

150 (ii) the individual or body that holds the executive powers of the local political
151 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)
152 are resolved and final.

153 ~~[(e)]~~ (f) If the 10-year period described in Subsection (2)(a) is tolled under this
154 Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of
155 time remaining to issue the bonds is less than one year, the period of time remaining to issue
156 the bonds shall be extended to one year.

157 ~~[(f)]~~ (g) The tolling provisions described in this Subsection (2) apply to all bonds
158 described in this section that were approved by voters on or after May 8, 2002.

159 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
160 the indebtedness of the local political subdivision to exceed that permitted by the Utah
161 Constitution or statutes.

162 (b) In computing the amount of indebtedness that may be incurred pursuant to
163 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
164 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
165 of the taxable property in the local political subdivision, as computed from the last applicable
166 equalized assessment roll before the incurring of the additional indebtedness.

167 (c) In determining the fair market value of the taxable property in the local political
168 subdivision as provided in this section, the value of all tax equivalent property, as defined in
169 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
170 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
171 Act.

172 (4) Bonds of improvement districts issued in a manner that they are payable solely
173 from the revenues to be derived from the operation of the facilities of the district may not be
174 included as bonded indebtedness for the purposes of the computation.

175 (5) Where bonds are issued by a city, town, or county payable solely from revenues
176 derived from the operation of revenue-producing facilities of the city, town, or county, or
177 payable solely from a special fund into which are deposited excise taxes levied and collected by
178 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the
179 city, town, or county, or any combination of those excise taxes, the bonds shall be included as
180 bonded indebtedness of the city, town, or county only to the extent required by the Utah

181 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,
182 town, or county need not be authorized at an election, except as otherwise provided by the Utah
183 Constitution, the bonds being hereby expressly excluded from the election requirement of
184 Section 11-14-201.

185 (6) A bond election is not void when the amount of bonds authorized at the election
186 exceeded the limitation applicable to the local political subdivision at the time of holding the
187 election, but the bonds may be issued from time to time in an amount within the applicable
188 limitation at the time the bonds are issued.

189 (7) (a) A local political subdivision may not receive, from the issuance of bonds
190 approved by the voters at an election, an aggregate amount that exceeds by more than 2% the
191 maximum principal amount stated in the bond proposition.

192 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election
193 held after January 1, 2019.

194 Section 2. Section 20A-7-101 is amended to read:

195 **20A-7-101. Definitions.**

196 As used in this chapter:

197 (1) "Budget officer" means:

198 (a) for a county, the person designated as budget officer in Section 17-19a-203;

199 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5);

200 (c) for a town, the town council; or

201 (d) for a metro township, the person described in Subsection (1)(a) for the county in
202 which the metro township is located.

203 (2) "Certified" means that the county clerk has acknowledged a signature as being the
204 signature of a registered voter.

205 (3) "Circulation" means the process of submitting an initiative or referendum petition
206 to legal voters for their signature.

207 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
208 city, or town that is holding an election on a ballot proposition.

209 (5) "Final fiscal impact statement" means a financial statement prepared after voters
210 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
211 20A-7-502.5(2).

212 (6) "Initial fiscal impact estimate" means:

213 (a) a financial statement prepared under Section [20A-7-202.5](#) after the filing of an
214 application for an initiative petition; or

215 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)
216 for an initiative or referendum petition.

217 (7) "Initiative" means a new law proposed for adoption by the public as provided in
218 this chapter.

219 (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
220 law, and the signature sheets, all of which have been bound together as a unit.

221 (9) (a) "Land use law" means a law of general applicability, enacted based on the
222 weighing of broad, competing policy considerations, that relates to the use of land, including a
223 general plan, a land use development code, an annexation ordinance, or a comprehensive
224 zoning ordinance or resolution.

225 (b) "Land use law" does not include a land use decision, as defined in Section
226 [10-9a-103](#) or [17-27a-103](#).

227 [~~9~~] (10) "Legal signatures" means the number of signatures of legal voters that:

228 (a) meet the numerical requirements of this chapter; and

229 (b) have been obtained, certified, and verified as provided in this chapter.

230 [~~10~~] (11) "Legal voter" means a person who:

231 (a) is registered to vote; or

232 (b) becomes registered to vote before the county clerk certifies the signatures on an
233 initiative or referendum petition.

234 (12) "Legally referable to voters" means:

235 (a) for a proposed local initiative, that the proposed local initiative is legally referable
236 to voters under Section [20A-7-502.7](#); or

237 (b) for a proposed local referendum, that the proposed local referendum is legally
238 referable to voters under Section [20A-7-602.7](#).

239 [~~11~~] (13) "Local attorney" means the county attorney, city attorney, or town attorney
240 in whose jurisdiction a local initiative or referendum petition is circulated.

241 [~~12~~] (14) "Local clerk" means the county clerk, city recorder, or town clerk in whose
242 jurisdiction a local initiative or referendum petition is circulated.

243 ~~[(13)]~~ (15) (a) "Local law" includes:

244 (i) an ordinance;

245 (ii) a resolution;

246 ~~[(iii) a master plan;]~~

247 ~~[(iv) a comprehensive zoning regulation adopted by ordinance or resolution; or]~~

248 (iii) a land use law; or

249 ~~[(v)]~~ (iv) other legislative action of a local legislative body.

250 (b) "Local law" does not include an individual property zoning decision.

251 ~~[(14)]~~ (16) "Local legislative body" means the legislative body of a county, city, town,
252 or metro township.

253 ~~[(15)]~~ (17) "Local obligation law" means a local law passed by the local legislative
254 body regarding a bond that was approved by a majority of qualified voters in an election.

255 ~~[(16)]~~ (18) "Local tax law" means a law, passed by a political subdivision with an
256 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

257 ~~[(17)]~~ (19) "Measure" means a proposed constitutional amendment, an initiative, or
258 referendum.

259 ~~[(18)]~~ (20) "Referendum" means a process by which a law passed by the Legislature or
260 by a local legislative body is submitted or referred to the voters for their approval or rejection.

261 ~~[(19)]~~ (21) "Referendum packet" means a copy of the referendum petition, a copy of
262 the law being submitted or referred to the voters for their approval or rejection, and the
263 signature sheets, all of which have been bound together as a unit.

264 ~~[(20)]~~ (22) (a) "Signature" means a holographic signature.

265 (b) "Signature" does not mean an electronic signature.

266 ~~[(21)]~~ (23) "Signature sheets" means sheets in the form required by this chapter that are
267 used to collect signatures in support of an initiative or referendum.

268 (24) "Special local ballot proposition" means a local ballot proposition that is not a
269 standard local ballot proposition.

270 ~~[(22)]~~ (25) "Sponsors" means the legal voters who support the initiative or referendum
271 and who sign the application for petition copies.

272 (26) (a) "Standard local ballot proposition" means a local ballot proposition for an
273 initiative or a referendum.

274 (b) "Standard local ballot proposition" does not include a property tax referendum
275 described in Section 20A-7-613.

276 ~~[(23)]~~ (27) "Sufficient" means that the signatures submitted in support of an initiative
277 or referendum petition have been certified and verified as required by this chapter.

278 ~~[(24)]~~ (28) "Tax percentage difference" means the difference between the tax rate
279 proposed by an initiative or an initiative petition and the current tax rate.

280 ~~[(25)]~~ (29) "Tax percentage increase" means a number calculated by dividing the tax
281 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

282 ~~[(26)]~~ (30) "Verified" means acknowledged by the person circulating the petition as
283 required in Sections 20A-7-205 and 20A-7-305.

284 Section 3. Section 20A-7-401.3 is enacted to read:

285 **20A-7-401.3. Voter participation areas.**

286 (1) (a) Except as provided in Subsection (2):

287 (i) a metro township with a population of 65,000 or more, a city of the first or second
288 class, or a county of the first or second class shall, no later than January 1, 2020, again on
289 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or
290 county into eight voter participation areas of substantially equal population; and

291 (ii) a metro township with a population of 10,000 or more, a city of the third or fourth
292 class, or a county of the third or fourth class shall, no later than January 1, 2020, again on
293 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or
294 county into four voter participation areas of substantially equal population.

295 (b) A metro township, city, or county shall use the voter participation areas described
296 in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

297 (2) (a) This section does not apply to a metro township with a population of less than
298 10,000, a city of the fifth or sixth class, a county of the fifth class, or a town.

299 (b) A metro township, city, or county that has established council districts that are not
300 at-large districts may, regardless of the number of council districts that are not at-large districts,
301 use the council districts as voter participation areas under this section.

302 Section 4. Section 20A-7-401.5 is enacted to read:

303 **20A-7-401.5. Proposition information pamphlet.**

304 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to

305 circulate an initiative petition under Section 20A-7-502 or an application to circulate a
306 referendum petition under Section 20A-7-602:

307 (A) the sponsors of the proposed initiative or referendum may submit a written
308 argument in favor of the proposed initiative or referendum to the election officer of the county
309 or municipality to which the petition relates; and

310 (B) the county or municipality to which the application relates may submit a written
311 argument in favor of, or against, the proposed initiative or referendum to the county's or
312 municipality's election officer.

313 (ii) If a county or municipality submits more than one written argument under
314 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
315 preference to a written argument submitted by a member of a local legislative body if a
316 majority of the local legislative body supports the written argument.

317 (b) Within one business day after the day on which an election officer receives an
318 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
319 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
320 applicable.

321 (c) Within one business day after the date on which an election officer receives an
322 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
323 argument to the first three sponsors of the proposed initiative or referendum described in
324 Subsection (1)(a)(i)(A).

325 (d) The sponsors of the proposed initiative or referendum may submit a revised version
326 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
327 county or municipality to which the petition relates within 20 days after the day on which the
328 eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or
329 an application to circulate a referendum petition under Section 20A-7-602.

330 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
331 a county or municipality may submit a revised version of the written argument to the county's
332 or municipality's election officer within 20 days after the day on which the eligible voter files
333 an application to circulate an initiative petition under Section 20A-7-502 or an application to
334 circulate a referendum petition under Section 20A-7-602.

335 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

336 (b) Except as provided in Subsection (2)(c), a person may not modify a written
337 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
338 election officer.

339 (c) The election officer and the person that submits the written argument described in
340 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

341 (i) correct factual, grammatical, or spelling errors; or

342 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

343 (d) An election officer shall refuse to include a written argument in the proposition
344 information pamphlet described in this section if the person who submits the argument:

345 (i) fails to negotiate, in good faith, to modify the argument in accordance with
346 Subsection (2)(c); or

347 (ii) does not timely submit the written argument to the election officer.

348 (e) An election officer shall make a good faith effort to negotiate a modification
349 described in Subsection (2)(c) in an expedited manner.

350 (3) An election officer who receives a written argument described in Subsection (1)
351 shall prepare a proposition information pamphlet for publication that includes:

352 (a) a copy of the application for the proposed initiative or referendum;

353 (b) except as provided in Subsection (2)(d), immediately after the copy described in
354 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
355 referendum, if any;

356 (c) except as provided in Subsection (2)(d), immediately after the argument described
357 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

358 (d) a copy of the initial fiscal impact statement and legal impact statement described in
359 Section [20A-7-502.5](#) or [20A-7-602.5](#).

360 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
361 Chapter 2, Government Records Access and Management Act, until the earlier of when the
362 election officer:

363 (i) complies with Subsection (4)(b); or

364 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

365 (b) Within 21 days after the day on which the eligible voter files an application to
366 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a

367 referendum petition under Section 20A-7-602, the election officer shall provide a copy of the
368 proposition information pamphlet to the sponsors of the initiative or referendum and each
369 individual who submitted an argument included in the proposition information pamphlet.

370 (5) An election officer for a municipality shall publish the proposition information
371 pamphlet as follows:

372 (a) within the later of 10 days after the day on which the municipality or a court
373 determines that the proposed initiative or referendum is legally referable to voters, or, if the
374 election officer modifies an argument under Subsection (2)(c), three days after the day on
375 which the election officer and the person that submitted the argument agree on the
376 modification:

377 (i) by sending the proposition information pamphlet electronically to each individual in
378 the municipality for whom the municipality has an email address, unless the individual has
379 indicated that the municipality is prohibited from using the individual's email address for that
380 purpose; and

381 (ii) by posting the proposition information pamphlet on the Utah Public Notice
382 Website, created in Section 63F-1-701, and the home page of the municipality's website, if the
383 municipality has a website, until:

384 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any
385 verified initiative packets under Section 20A-7-506 or any verified referendum packets under
386 Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative
387 packets or verified referendum packets;

388 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
389 number of signatures necessary to qualify the proposed initiative or referendum for placement
390 on the ballot is insufficient and the determination is not timely appealed or is upheld after
391 appeal; or

392 (C) the day after the date of the election at which the proposed initiative or referendum
393 appears on the ballot; and

394 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
395 municipality's residents, including an Internet address, where a resident may view the
396 proposition information pamphlet, in the next mailing, for which the municipality has not
397 begun preparation, that falls on or after the later of:

398 (i) 10 days after the day on which the municipality or a court determines that the
 399 proposed initiative or referendum is legally referable to voters; or

400 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
 401 after the day on which the election officer and the person that submitted the argument agree on
 402 the modification.

403 (6) An election officer for a county shall, within the later of 10 days after the day on
 404 which the county or a court determines that the proposed initiative or referendum is legally
 405 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
 406 three days after the day on which the election officer and the person that submitted the
 407 argument agree on the modification, publish the proposition information pamphlet as follows:

408 (a) by sending the proposition information pamphlet electronically to each individual
 409 in the county for whom the county has an email address obtained via voter registration; and

410 (b) by posting the proposition information pamphlet on the Utah Public Notice
 411 Website, created in Section 63F-1-701, and the home page of the county's website, until:

412 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
 413 verified initiative packets under Section 20A-7-506 or any verified referendum packets under
 414 Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative
 415 packets or verified referendum packets;

416 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
 417 of signatures necessary to qualify the proposed initiative or referendum for placement on the
 418 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

419 (iii) the day after the date of the election at which the proposed initiative or referendum
 420 appears on the ballot.

421 Section 5. Section 20A-7-402 is amended to read:

422 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
 423 **Preparation -- Statement on front cover.**

424 (1) The county or municipality that is subject to a ballot proposition shall prepare a
 425 local voter information pamphlet that complies with the requirements of this part.

426 ~~[(2) The arguments for or against a ballot proposition shall conform to the~~
 427 ~~requirements of this section.]~~

428 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a

429 municipality that is subject to a special local ballot proposition shall provide a notice that
430 complies with the requirements of Subsection [~~(3)~~] (2)(c)(ii) to the municipality's residents by:

431 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
432 municipality's residents, including the notice with a newsletter, utility bill, or other material;

433 (ii) posting the notice, until after the deadline described in Subsection [~~(3)~~] (2)(d) has
434 passed, on:

435 (A) the Utah Public Notice Website created in Section 63F-1-701; and

436 (B) the home page of the municipality's website, if the municipality has a website; and

437 (iii) sending the notice electronically to each individual in the municipality for whom
438 the municipality has an email address.

439 (b) A county that is subject to a special local ballot proposition shall:

440 (i) send an electronic notice that complies with the requirements of Subsection [~~(3)~~]
441 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

442 (ii) until after the deadline described in Subsection [~~(3)~~] (2)(d) has passed, post a notice
443 that complies with the requirements of Subsection [~~(3)~~] (2)(c)(ii) on:

444 (A) the Utah Public Notice Website created in Section 63F-1-701; and

445 (B) the home page of the county's website.

446 (c) A municipality or county that mails, sends, or posts a notice under Subsection [~~(3)~~]
447 (2)(a) or (b) shall:

448 (i) mail, send, or post the notice:

449 (A) not less than 90 days before the date of the election at which a special local ballot
450 proposition will be voted upon; or

451 (B) if the requirements of Subsection [~~(3)~~] (2)(c)(i)(A) cannot be met, as soon as
452 practicable after the special local ballot proposition is approved to be voted upon in an election;
453 and

454 (ii) ensure that the notice contains:

455 (A) the ballot title for the special local ballot proposition;

456 (B) instructions on how to file a request under Subsection [~~(3)~~] (2)(d); and

457 (C) the deadline described in Subsection [~~(3)~~] (2)(d).

458 (d) To prepare [~~an~~] a written argument for or against a special local ballot proposition,
459 an eligible voter shall file a request with the election officer at least 65 days before the election

460 at which the special local ballot proposition is to be voted on.

461 (e) If more than one eligible voter requests the opportunity to prepare ~~[an]~~ a written
462 argument for or against a special local ballot proposition, the election officer shall make the
463 final designation ~~[according to the following criteria]~~ in accordance with the following order of
464 priority:

465 (i) sponsors have priority in preparing an argument regarding a special local ballot
466 proposition; and

467 (ii) members of the local legislative body have priority over others if a majority of the
468 local legislative body supports the written argument.

469 (f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot
470 proposition may prepare ~~[an]~~ a written argument in favor of the special local ballot proposition.

471 (ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection ~~[(3)]~~
472 (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request
473 under Subsection ~~[(3)]~~ (2)(d) may prepare ~~[an]~~ a written argument against the special local
474 ballot proposition.

475 ~~[(g)(i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor~~
476 ~~of a law that is referred to the voters and who submits a request under Subsection (3)(d) may~~
477 ~~prepare an argument for adoption of the law.]~~

478 ~~[(ii) The sponsors of a referendum may prepare an argument against the adoption of a~~
479 ~~law that is referred to the voters.]~~

480 ~~[(h)]~~ (g) An eligible voter who submits ~~[an]~~ a written argument under this section in
481 relation to a special local ballot proposition shall:

482 (i) ensure that the written argument does not exceed 500 words in length;

483 (ii) ensure that the written argument does not list more than five names as sponsors;

484 (iii) submit the written argument to the election officer no later than 60 days before the
485 election day on which the ballot proposition will be submitted to the voters; and

486 (iv) include with the written argument the eligible voter's name, residential address,
487 postal address, email address if available, and phone number.

488 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument that is
489 submitted after the deadline described in Subsection ~~[(3)(h)]~~ (2)(g)(iii).

490 ~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of

491 and against a special local ballot proposition shall, within one business day after the day on
492 which the election office receives both written arguments, send, via mail or email:

493 (i) a copy of the written argument in favor of the special local ballot proposition to the
494 eligible voter who submitted the written argument against the special local ballot proposition;
495 and

496 (ii) a copy of the written argument against the special local ballot proposition to the
497 eligible voter who submitted the written argument in favor of the special local ballot
498 proposition.

499 (b) The eligible voter who submitted a timely written argument in favor of the special
500 local ballot proposition:

501 (i) may submit to the election officer a written rebuttal argument of the written
502 argument against the special local ballot proposition;

503 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
504 and

505 (iii) shall submit the written rebuttal argument no later than 45 days before the election
506 day on which the special local ballot proposition will be submitted to the voters.

507 (c) The eligible voter who submitted a timely written argument against the special local
508 ballot proposition:

509 (i) may submit to the election officer a written rebuttal argument of the written
510 argument in favor of the special local ballot proposition;

511 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
512 and

513 (iii) shall submit the written rebuttal argument no later than 45 days before the election
514 day on which the special local ballot proposition will be submitted to the voters.

515 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
516 relation to a special local ballot proposition that is submitted after the deadline described in
517 Subsection [~~(4)~~] (3)(b)(iii) or [~~(4)~~] (3)(c)(iii).

518 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local
519 ballot proposition:

520 (i) an eligible voter may not modify [~~an~~] a written argument or a written rebuttal
521 argument after the eligible voter submits the written argument or written rebuttal argument to

522 the election officer; and

523 (ii) a person other than the eligible voter described in Subsection ~~[(5)]~~ (4)(a)(i) may not
524 modify ~~[an]~~ a written argument or a written rebuttal argument.

525 (b) The election officer, and the eligible voter who submits ~~[an]~~ a written argument or
526 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
527 modify ~~[an]~~ a written argument or written rebuttal argument in order to:

528 (i) correct factual, grammatical, or spelling errors; and

529 (ii) reduce the number of words to come into compliance with the requirements of this
530 section.

531 (c) An election officer shall refuse to accept and publish ~~[an]~~ a written argument or
532 written rebuttal argument in relation to a special local ballot proposition if the eligible voter
533 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,
534 to modify the written argument or written rebuttal argument in accordance with Subsection
535 ~~[(5)]~~ (4)(b).

536 ~~[(6)]~~ (5) ~~[An]~~ In relation to a special local ballot proposition, an election officer may
537 designate another eligible voter to take the place of an eligible voter described in this section if
538 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to
539 continue to fulfill the duties of an eligible voter described in this section.

540 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
541 included in a proposition information pamphlet under Section [20A-7-401.5](#):

542 (a) may, if a written argument against the standard local ballot proposition is included
543 in the proposition information pamphlet, submit a written rebuttal argument to the election
544 officer;

545 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
546 and

547 (c) shall submit the written rebuttal argument no later than 45 days before the election
548 day on which the standard local ballot proposition will be submitted to the voters.

549 (7) (a) A county or municipality that submitted a written argument against a standard
550 local ballot proposition that is included in a proposition information pamphlet under Section
551 [20A-7-401.5](#):

552 (i) may, if a written argument in favor of the standard local ballot proposition is

553 included in the proposition information pamphlet, submit a written rebuttal argument to the
554 election officer;

555 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
556 and

557 (iii) shall submit the written rebuttal argument no later than 45 days before the election
558 day on which the ballot proposition will be submitted to the voters.

559 (b) If a county or municipality submits more than one written rebuttal argument under
560 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
561 giving preference to a written rebuttal argument submitted by a member of a local legislative
562 body.

563 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
564 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

565 (b) Before an election officer publishes a local voter information pamphlet under this
566 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
567 Records Access and Management Act.

568 (c) An election officer who receives a written rebuttal argument described in this
569 section may not, before publishing the local voter information pamphlet described in this
570 section, disclose the written rebuttal argument, or any information contained in the written
571 rebuttal argument, to any person who may in any way be involved in preparing an opposing
572 rebuttal argument.

573 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
574 rebuttal argument after the written rebuttal argument is submitted to the election officer.

575 (b) The election officer, and the person who submits a written rebuttal argument, may
576 jointly agree to modify a written rebuttal argument in order to:

577 (i) correct factual, grammatical, or spelling errors; or

578 (ii) reduce the number of words to come into compliance with the requirements of this
579 section.

580 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
581 the person who submits the written rebuttal argument:

582 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
583 accordance with Subsection (9)(b); or

584 (ii) does not timely submit the written rebuttal argument to the election officer.

585 (d) An election officer shall make a good faith effort to negotiate a modification
586 described in Subsection (9)(b) in an expedited manner.

587 (10) An election officer may designate another person to take the place of a person who
588 submits a written rebuttal argument in relation to a standard local ballot proposition if the
589 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
590 person's duties.

591 ~~[(7)]~~ (11) (a) The local voter information pamphlet shall include a copy of the initial
592 fiscal impact estimate and the legal impact statement prepared for each initiative under Section
593 [20A-7-502.5](#).

594 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
595 include the following statement in bold type:

596 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
597 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
598 increase in the current tax rate."

599 ~~[(8)]~~ (12) (a) In preparing the local voter information pamphlet, the election officer
600 shall:

601 (i) ensure that the written arguments are printed on the same sheet of paper upon which
602 the ballot proposition is also printed;

603 (ii) ensure that the following statement is printed on the front cover or the heading of
604 the first page of the printed written arguments:

605 "The arguments for or against a ballot proposition are the opinions of the authors.";

606 (iii) pay for the printing and binding of the local voter information pamphlet; and

607 (iv) not less than 15 days before, but not more than 45 days before, the election at
608 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
609 voter entitled to vote on the ballot proposition:

610 (A) a voter information pamphlet; or

611 (B) the notice described in Subsection ~~[(8)]~~ (12)(c).

612 (b) (i) If the ~~[proposed measure]~~ language of the ballot proposition exceeds 500 words
613 in length, the election officer may summarize the ~~[measure]~~ ballot proposition in 500 words or
614 less.

615 (ii) The summary shall state where a complete copy of the ballot proposition is
616 available for public review.

617 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
618 preaddressed return form that a person may use to request delivery of a voter information
619 pamphlet by mail.

620 (ii) The notice described in Subsection [~~(8)~~] (12)(c)(i) shall include:

621 (A) the address of the Statewide Electronic Voter Information Website authorized by
622 Section 20A-7-801; and

623 (B) the phone number a voter may call to request delivery of a voter information
624 pamphlet by mail or carrier.

625 Section 6. Section 20A-7-405 is enacted to read:

626 **20A-7-405. Public meeting.**

627 (1) A county or municipality may not discuss a proposed initiative, an initiative, a
628 proposed referendum, or a referendum at a public meeting unless the county or municipality
629 complies with the requirements of this section.

630 (2) The legislative body of a county or municipality may hold a public meeting to
631 discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the
632 legislative body:

633 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
634 proposed initiative, initiative, proposed referendum, or referendum;

635 (b) provides interested parties an opportunity to present oral testimony within
636 reasonable time limits; and

637 (c) holds the public meeting:

638 (i) during the legislative body's normal meeting time; or

639 (ii) for a meeting time other than the legislative body's normal meeting time, beginning
640 at or after 6 p.m.

641 (3) This section does not prohibit a working group meeting from being held before 6
642 p.m.

643 Section 7. Section 20A-7-406 is enacted to read:

644 **20A-7-406. Informational materials.**

645 The lieutenant governor shall create and publish to the lieutenant governor's website

646 instructions on how a person may:

647 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures;

648 or

649 (2) qualify a local referendum for the ballot under Part 6, Local Referenda -

650 Procedures.

651 Section 8. Section **20A-7-407** is enacted to read:

652 **20A-7-407. Applicability of statute to pending processes.**

653 (1) If a local initiative or local referendum process is pending as described in

654 Subsection (2), that local initiative or local referendum process:

655 (a) is subject to the provisions of law that were in effect on May 13, 2019; and

656 (b) is not subject to the provisions of this bill.

657 (2) A local initiative or local referendum process is pending under Subsection (1) if, on

658 or before May 13, 2019:

659 (a) (i) sponsors have filed an application to circulate the initiative petition under

660 Section [20A-7-502](#); or

661 (ii) sponsors have filed an application to circulate the referendum petition under

662 Section [20A-7-602](#); and

663 (b) the process described in Subsection (2)(a) has not concluded.

664 Section 9. Section **20A-7-501** is amended to read:

665 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

666 ~~[(1)(a) Except as provided in Subsection (1)(b), a person seeking to have an initiative~~
667 ~~submitted to a local legislative body or to a vote of the people for approval or rejection shall~~
668 ~~obtain legal signatures equal to:]~~

669 ~~[(i) 10% of all the votes cast in the county, city, town, or metro township for all~~
670 ~~candidates for President of the United States at the last election at which a President of the~~
671 ~~United States was elected if the total number of votes exceeds 25,000;]~~

672 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~
673 ~~candidates for President of the United States at the last election at which a President of the~~
674 ~~United States was elected if the total number of votes does not exceed 25,000 but is more than~~
675 ~~10,000;]~~

676 ~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all~~

677 candidates for President of the United States at the last election at which a President of the
678 United States was elected if the total number of votes does not exceed 10,000 but is more than
679 2,500;]

680 [~~(iv) 20% of all the votes cast in the county, city, town, or metro township for all~~
681 ~~candidates for President of the United States at the last election at which a President of the~~
682 ~~United States was elected if the total number of votes does not exceed 2,500 but is more than~~
683 ~~500;]~~

684 [~~(v) 25% of all the votes cast in the county, city, town, or metro township for all~~
685 ~~candidates for President of the United States at the last election at which a President of the~~
686 ~~United States was elected if the total number of votes does not exceed 500 but is more than~~
687 ~~250; and]~~

688 [~~(vi) 30% of all the votes cast in the county, city, town, or metro township for all~~
689 ~~candidates for President of the United States at the last election at which a President of the~~
690 ~~United States was elected if the total number of votes does not exceed 250;]~~

691 [~~(b) In addition to the signature requirements of Subsection (1)(a), a person seeking to~~
692 ~~have an initiative submitted to a local legislative body or to a vote of the people for approval or~~
693 ~~rejection in a county, city, town, or metro township where the local legislative body is elected~~
694 ~~from council districts shall obtain, from each of a majority of council districts, legal signatures~~
695 ~~equal to the percentages established in Subsection (1)(a).]~~

696 (1) As used in this section:

697 (a) "Number of active voters" means the number of active voters in the county, city, or
698 town on the immediately preceding January 1.

699 (b) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
700 or (2)(b).

701 (2) An eligible voter seeking to have an initiative submitted to a local legislative body
702 or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

703 (a) for a metro township with a population of 100,000 or more, a city of the first class,
704 or a county of the first class:

705 (i) 8.5% of the number of active voters in the metro township, city, or county; and

706 (ii) beginning on January 1, 2020, 8.5% of the number of active voters in at least 75%
707 of the metro township's, city's, or county's voter participation areas;

708 (b) for a metro township with a population of 65,000 or more but less than 100,000, a
709 city of the second class, or a county of the second class:

710 (i) 11% of the number of active voters in the metro township, city, or county; and

711 (ii) beginning on January 1, 2020, 11% of the number of active voters in at least 75%
712 of the metro township's, city's, or county's voter participation areas;

713 (c) for a metro township with a population of 30,000 or more but less than 65,000, a
714 city of the third class, or a county of the third class:

715 (i) 13% of the number of active voters in the metro township, city, or county; and

716 (ii) beginning on January 1, 2020, 13% of the number of active voters in at least 75%
717 of the metro township's, city's, or county's voter participation areas;

718 (d) for a metro township with a population of 10,000 or more but less than 30,000, a
719 city of the fourth class, or a county of the fourth class:

720 (i) 17.5% of the number of active voters in the metro township, city, or county; and

721 (ii) beginning on January 1, 2020, 17.5% of the number of active voters in at least 75%
722 of the metro township's, city's, or county's voter participation areas;

723 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city
724 of the fifth class, or a county of the fifth class, 30% of the number of active voters in the metro
725 township, city, or county; or

726 (f) for a metro township with a population of less than 1,000, a town, or a county of the
727 sixth class, 35% of the number of active voters in the metro township, town, or county.

728 ~~[(2)]~~ (3) If the total number of certified names from each verified signature sheet
729 equals or exceeds the number of names required by this section, the clerk or recorder shall
730 deliver the proposed law to the local legislative body at ~~[its]~~ the local legislative body's next
731 meeting.

732 ~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law
733 without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local
734 legislative body receives the proposed law under Subsection (3).

735 (b) The local legislative body may:

736 (i) adopt the proposed law and refer ~~[it]~~ the proposed law to the people;

737 (ii) adopt the proposed law without referring ~~[it]~~ the proposed law to the people; or

738 (iii) reject the proposed law.

739 (c) If the local legislative body adopts the proposed law but does not refer [it] the
 740 proposed law to the people, [it] the proposed law is subject to referendum as with other local
 741 laws.

742 (d) (i) If a county legislative body rejects a proposed [~~county ordinance or amendment~~]
 743 law, or takes no action on [it] a proposed law, the county clerk shall submit [it] the proposed
 744 law to the voters of the county at the next regular general election immediately after the
 745 petition for the proposed law is filed under Section 20A-7-502.

746 (ii) If a local legislative body of a municipality rejects a proposed [~~municipal ordinance~~
 747 ~~or amendment~~] law, or takes no action on [it] a proposed law, the municipal recorder or clerk
 748 shall submit [it] the proposed law to the voters of the municipality at the next municipal
 749 general election immediately after the petition is filed under Section 20A-7-502.

750 (e) (i) If [~~the~~] a local legislative body rejects [~~the~~] a proposed [~~ordinance or~~
 751 ~~amendment~~] law, or takes no action on [it] a proposed law, the local legislative body may adopt
 752 a competing local law.

753 (ii) The local legislative body shall prepare and adopt the competing local law within
 754 the [~~30 days allowed for its action on the measure proposed by initiative petition~~] 30-day
 755 period described in Subsection (4)(a).

756 (iii) If [~~the~~] a local legislative body adopts a competing local law, the clerk or recorder
 757 shall [~~submit it~~] refer the competing local law to the voters of the county or municipality at the
 758 same election at which the initiative proposal is submitted under Subsection (4)(d).

759 (f) If conflicting local laws are submitted to the people at the same election and two or
 760 more of the conflicting measures are approved by the people, [~~then~~] the measure that receives
 761 the greatest number of affirmative votes shall control all conflicts.

762 Section 10. Section 20A-7-502 is amended to read:

763 **20A-7-502. Local initiative process -- Application procedures.**

764 (1) [~~Persons~~] An eligible voter wishing to circulate an initiative petition shall file an
 765 application with the local clerk.

766 (2) The application shall contain:

767 (a) the name and residence address of at least five sponsors of the initiative petition;

768 (b) a statement indicating that each of the sponsors[:(i)] is a registered voter; [~~and~~]

769 [(ii)-(A) ~~if the initiative seeks to enact a county ordinance, has voted in a regular~~

770 ~~general election in Utah within the last three years; or]~~

771 ~~[(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular~~
 772 ~~municipal election in Utah:]~~

773 ~~[(F) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~

774 ~~[(H) within the last five years, if the sponsor's failure to vote within the last three years~~
 775 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~
 776 ~~every four years;]~~

777 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
 778 the last three years;

779 ~~[(e)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary
 780 public;

781 ~~[(d)]~~ (e) a copy of the proposed law that includes:

782 (i) the title of the proposed law, which clearly expresses the subject of the law; and

783 (ii) the text of the proposed law; and

784 ~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This
 785 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
 786 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
 787 increase in the current tax rate."

788 (3) A proposed law submitted under this section may not contain more than one subject
 789 to the same extent a bill may not pass containing more than one subject as provided in Utah
 790 Constitution, Article VI, Section 22.

791 Section 11. Section **20A-7-502.5** is amended to read:

792 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

793 (1) Within three ~~[working days of receipt of an application for an initiative petition]~~
 794 business days after the day on which the local clerk receives an application for an initiative
 795 petition, the local clerk shall submit a copy of the ~~[application]~~ proposed law to the county,
 796 city, or town's budget officer.

797 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
 798 faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

799 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

800 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing

801 the total estimated increase or decrease for each type of tax affected under the proposed law
802 and a dollar amount representing the total estimated increase or decrease in taxes under the
803 proposed law;

804 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax
805 percentage increase;

806 (iv) if the proposed law would result in the issuance or a change in the status of bonds,
807 notes, or other debt instruments, a dollar amount representing the total estimated increase or
808 decrease in public debt under the proposed law;

809 (v) a listing of all sources of funding for the estimated costs associated with the
810 proposed law showing each source of funding and the percentage of total funding provided
811 from each source;

812 (vi) a dollar amount representing the estimated costs or savings, if any, to state and
813 local government entities under the proposed law;

814 (vii) the proposed law's legal impact, including:

815 (A) any significant effects on a person's vested property rights;

816 (B) any significant effects on other laws or ordinances;

817 (C) any significant legal liability the city, county, or town may incur; and

818 (D) any other significant legal impact as determined by the budget officer and the legal
819 counsel; and

820 (viii) a concise explanation, not exceeding 100 words, of the above information and of
821 the estimated fiscal impact, if any, under the proposed law.

822 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer
823 shall include a summary statement in the initial fiscal impact statement in substantially the
824 following form:

825 "The (title of the local budget officer) estimates that the law proposed by this initiative
826 would have no significant fiscal impact and would not result in either an increase or decrease in
827 taxes or debt."

828 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer
829 shall include a summary statement in the initial fiscal impact estimate in substantially the
830 following form:

831 "The (title of the local budget officer) estimates that the law proposed by this initiative

832 would result in a total fiscal expense/savings of \$ _____, which includes a (type of tax or
833 taxes) tax increase/decrease of \$ _____ and a \$ _____ increase/decrease in public debt."

834 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
835 difficult to reasonably express in a summary statement, the local budget officer may include in
836 the summary statement a brief explanation that identifies those factors affecting the variability
837 or difficulty of the estimate.

838 (iv) If the proposed law would increase taxes, the local budget officer shall include a
839 summary statement in the initial fiscal impact statement in substantially the following form:

840 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
841 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
842 percent increase in the current tax rate."

843 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of
844 printing and distributing information related to the initiative petition in the voter information
845 pamphlet as required by Section [20A-7-402](#).

846 (4) Within ~~[25]~~ 20 calendar days ~~[from the date that the local clerk delivers a copy of~~
847 ~~the application]~~ after the day on which the local clerk submits a copy of the proposed law under
848 Subsection (1), the budget officer shall:

849 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
850 estimate, to the local clerk's office; and

851 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
852 to the first ~~[five]~~ three sponsors named in the application.

853 ~~[(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of~~
854 ~~the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition~~
855 ~~with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal~~
856 ~~impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the~~
857 ~~initiative.]~~

858 ~~[(b) (i) There is a presumption that the initial fiscal impact estimate, including the legal~~
859 ~~impact estimate, prepared by the budget officer and legal counsel is based upon reasonable~~
860 ~~assumptions, uses reasonable data, and applies accepted analytical methods to present the~~
861 ~~estimated fiscal and legal impact of the initiative.]~~

862 ~~[(ii) The Supreme Court may not revise the contents of, or direct the revision of, the~~

863 initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the
864 presumption by clear and convincing evidence that establishes that the fiscal estimate,
865 including the legal impact estimate, taken as a whole, is an inaccurate statement of the
866 estimated fiscal or legal impact of the initiative:]

867 [(iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate,
868 including the legal impact estimate, to a master to examine the issue and make a report in
869 accordance with Utah Rules of Civil Procedure, Rule 53.]

870 [(c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate,
871 including the legal impact estimate, for the measure that meets the requirements of this
872 section.]

873 Section 12. Section **20A-7-502.7** is enacted to read:

874 **20A-7-502.7. Referability to voters.**

875 (1) Within 20 days after the day on which an eligible voter files an application to
876 circulate an initiative petition under Section [20A-7-502](#), the county, city, town, or metro
877 township to which the initiative pertains shall:

878 (a) review the proposed law in the initiative application to determine whether the law is
879 legally referable to voters; and

880 (b) notify the first three sponsors, in writing, whether the proposed law is:

881 (i) legally referable to voters; or

882 (ii) rejected as not legally referable to voters.

883 (2) A proposed law in an initiative application is legally referable to voters unless:

884 (a) the proposed law is patently unconstitutional;

885 (b) the proposed law is nonsensical;

886 (c) the proposed law is administrative, rather than legislative, in nature;

887 (d) the proposed law could not become law if passed;

888 (e) the proposed law contains more than one subject as evaluated in accordance with

889 Subsection [20A-7-502\(3\)](#);

890 (f) the subject of the proposed law is not clearly expressed in the law's title;

891 (g) the proposed law is identical or substantially similar to a legally referable proposed

892 law sought by an initiative application submitted to the local clerk, under Section [20A-7-502](#),

893 within two years before the day on which the application for the current proposed initiative is

894 filed; or

895 (h) the application for the proposed law was not timely filed or does not comply with
896 the requirements of this part.

897 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
898 or metro township may not:

899 (a) reject a proposed initiative as not legally referable to voters; or

900 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
901 initiative on the grounds that the proposed initiative is not legally referable to voters.

902 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of
903 the proposed initiative may, within 10 days after the day on which a sponsor is notified under
904 Subsection (1)(b), appeal the decision to:

905 (a) district court; or

906 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

907 (5) If, on appeal, the court determines that the law proposed in the initiative petition is
908 legally referable to voters, the local clerk shall comply with Subsection [20A-7-504\(2\)](#) within
909 five days after the day on which the determination, and any appeal of the determination, is
910 final.

911 Section 13. Section [20A-7-504](#) is amended to read:

912 **[20A-7-504. Circulation requirements -- Local clerk to provide sponsors with](#)**
913 **[materials.](#)**

914 (1) In order to obtain the necessary number of signatures required by this part, the
915 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and (b)
916 and Subsection [20A-7-401.5\(4\)\(b\)](#), circulate initiative packets that meet the form requirements
917 of this part.

918 (2) Within five days after the day on which a [~~local clerk receives an application that~~
919 ~~complies with the requirements of Section [20A-7-502](#)]~~ county, city, town, metro township, or
920 court determines, in accordance with Section [20A-7-502.7](#), that a law proposed in an initiative
921 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

922 (a) one copy of the initiative petition; and

923 (b) one signature sheet.

924 (3) The sponsors of the petition shall:

925 (a) arrange and pay for the printing of all additional copies of the petition and signature
926 sheets; and

927 (b) ensure that the copies of the petition and signature sheets meet the form
928 requirements of this section.

929 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple
930 initiative packets.

931 (b) The sponsors shall create those packets by binding a copy of the initiative petition,
932 a copy of the proposed law, and no more than 50 signature sheets together at the top in such a
933 way that the packets may be conveniently opened for signing.

934 (c) The sponsors need not attach a uniform number of signature sheets to each
935 initiative packet.

936 (d) The sponsors shall include, with each packet, a copy of the proposition information
937 pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

938 ~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return~~
939 ~~them to the local clerk.]~~

940 ~~[(b) The local clerk shall:]~~

941 ~~[(i) number each of the initiative packets and return them to the sponsors within five~~
942 ~~working days; and]~~

943 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

944 Section 14. Section **20A-7-505** is amended to read:

945 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

946 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and
947 resides in the local jurisdiction.

948 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
949 signature sheet was signed:

950 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
951 and

952 (ii) verifies each signature sheet by completing the verification printed on the last page
953 of each initiative packet.

954 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
955 the initiative packet if the ~~[person]~~ individual signed a signature sheet in the initiative packet.

956 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature
957 removed from the petition by submitting a notarized statement to that effect to the local clerk.

958 (ii) In order for the signature to be removed, the statement must be received by the
959 local clerk before ~~he~~ the local clerk delivers the petition to the county clerk to be certified.

960 (b) Upon receipt of the statement, the local clerk shall remove the signature of the
961 ~~person~~ individual submitting the statement from the initiative petition.

962 (c) No one may remove signatures from an initiative petition after the petition is
963 submitted to the county clerk to be certified.

964 Section 15. Section **20A-7-506** is amended to read:

965 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
966 **county clerks -- Transfer to local clerk.**

967 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
968 county clerk of the county in which the packet was circulated on or before the sooner of:

969 (i) for county initiatives:

970 (A) 316 days after the day on which the application is filed; or

971 (B) the April 15 immediately before the next regular general election immediately after
972 the application is filed under Section [20A-7-502](#); or

973 (ii) for municipal initiatives:

974 (A) 316 days after the day on which the application is filed; or

975 (B) the April 15 immediately before the next municipal general election immediately
976 after the application is filed under Section [20A-7-502](#).

977 (b) A sponsor may not submit an initiative packet after the deadline established in this
978 Subsection (1).

979 ~~[(2) (a) No later than May 1, the county clerk shall:]~~

980 ~~[(i) check the names of all persons completing the verification on the last page of each~~
981 ~~initiative packet to determine whether those persons are residents of Utah and are at least 18~~
982 ~~years old; and]~~

983 ~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not~~
984 ~~at least 18 years old to the attorney general and county attorney.]~~

985 ~~[(b)]~~ (2) The county clerk may not certify a signature under Subsection (3) on an
986 initiative packet that is not verified in accordance with Section [20A-7-505](#).

987 (3) No later than May 15, the county clerk shall:

988 (a) determine whether or not each signer is a voter according to the requirements of
989 Section [20A-7-506.3](#);

990 (b) certify on the petition whether or not each name is that of a voter; and

991 (c) deliver all of the verified packets to the local clerk.

992 Section 16. Section [20A-7-506.3](#) is amended to read:

993 **20A-7-506.3. Verification of petition signatures.**

994 (1) (a) For the purposes of this section, "substantially similar name" means:

995 (i) the given name and surname shown on the petition, or both, contain only minor
996 spelling differences when compared to the given name and surname shown on the official
997 register;

998 (ii) the surname shown on the petition exactly matches the surname shown on the
999 official register, and the given names differ only because one of the given names shown is a
1000 commonly used abbreviation or variation of the other;

1001 (iii) the surname shown on the petition exactly matches the surname shown on the
1002 official register, and the given names differ only because one of the given names shown is
1003 accompanied by a first or middle initial or a middle name which is not shown on the other
1004 record; or

1005 (iv) the surname shown on the petition exactly matches the surname shown on the
1006 official register, and the given names differ only because one of the given names shown is an
1007 alphabetically corresponding initial that has been provided in the place of a given name shown
1008 on the other record.

1009 (b) For the purposes of this section, "substantially similar name" does not mean a name
1010 having an initial or a middle name shown on the petition that does not match a different initial
1011 or middle name shown on the official register.

1012 (2) The county clerk shall use the following procedures in determining whether or not a
1013 signer is a registered voter:

1014 (a) When a signer's name and address shown on the petition exactly match a name and
1015 address shown on the official register and the signer's signature appears substantially similar to
1016 the signature on the statewide voter registration database, the county clerk shall declare the
1017 signature valid.

1018 (b) When there is no exact match of an address and a name, the county clerk shall
1019 declare the signature valid if:

1020 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1021 official register with a substantially similar name; and

1022 (ii) the signer's signature appears substantially similar to the signature on the statewide
1023 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1024 (c) When there is no match of an address and a substantially similar name, the county
1025 clerk shall declare the signature valid if:

1026 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an
1027 individual on the official register with a substantially similar name; and

1028 (ii) the signer's signature appears substantially similar to the signature on the statewide
1029 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1030 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
1031 county clerk shall declare the signature to be invalid.

1032 Section 17. Section **20A-7-507** is amended to read:

1033 **20A-7-507. Evaluation by the local clerk.**

1034 (1) When each initiative packet is received from a county clerk, the local clerk shall
1035 check off from the local clerk's record the number of each initiative packet filed.

1036 (2) (a) After all of the initiative packets have been received by the local clerk, the local
1037 clerk shall count the number of the names certified by the county clerk that appear on each
1038 verified signature sheet.

1039 (b) If the total number of certified names from each verified signature sheet equals or
1040 exceeds the number of names required by Section **20A-7-501** and the requirements of this part
1041 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

1042 (c) If the total number of certified names from each verified signature sheet does not
1043 equal or exceed the number of names required by Section **20A-7-501** or a requirement of this
1044 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

1045 (d) The local clerk shall immediately notify any one of the sponsors of the local clerk's
1046 finding.

1047 (3) If the local clerk finds the total number of certified signatures from each verified
1048 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk

1049 for a recount of the signatures appearing on the initiative petition in the presence of any
1050 sponsor.

1051 (4) Once a petition is declared insufficient, the sponsors may not submit additional
1052 signatures to qualify the petition for the ballot.

1053 [~~(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may~~
1054 ~~apply to the supreme court for an extraordinary writ to compel him to do so within 10 days~~
1055 ~~after the refusal.]~~

1056 [~~(b) If the supreme court determines that the initiative petition is legally sufficient, the~~
1057 ~~local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on~~
1058 ~~which it was originally offered for filing in the local clerk's office.]~~

1059 [~~(c) If the supreme court determines that any petition filed is not legally sufficient, the~~
1060 ~~supreme court may enjoin the local clerk and all other officers from certifying or printing the~~
1061 ~~ballot title and numbers of that measure on the official ballot.]~~

1062 [~~(6)~~ (5) A petition determined to be sufficient in accordance with this section is
1063 qualified for the ballot.

1064 Section 18. Section **20A-7-508** is amended to read:

1065 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

1066 (1) [~~Whenever an initiative petition is declared sufficient for submission to a vote of~~
1067 ~~the people]~~ Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
1068 petition and the proposed law to the local attorney.

1069 (2) The local attorney shall:

1070 (a) entitle each county or municipal initiative that has qualified for the ballot

1071 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

1072 (b) prepare a proposed ballot title for the initiative;

1073 (c) file the proposed ballot title and the numbered initiative titles with the local clerk
1074 within [~~15~~ 20 days after the [~~date the initiative petition is declared sufficient for submission to~~
1075 ~~a vote of the people]~~ day on which an eligible voter submits the initiative petition to the local
1076 clerk; and

1077 (d) promptly provide notice of the filing of the proposed ballot title to:

1078 (i) the sponsors of the petition; and

1079 (ii) the local legislative body for the jurisdiction where the initiative petition was

1080 circulated.

1081 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
1082 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1083 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
1084 ability, give a true and impartial statement of the purpose of the measure.

1085 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1086 for or against the measure.

1087 (d) If the initiative proposes a tax increase, the local attorney shall include the
1088 following statement, in bold, in the ballot title:

1089 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1090 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1091 increase in the current tax rate."

1092 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1093 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
1094 petition was circulated and the sponsors of the petition may file written comments in response
1095 to the proposed ballot title with the local clerk.

1096 (b) Within five calendar days after the last date to submit written comments under
1097 Subsection (4)(a), the local attorney shall:

- 1098 (i) review any written comments filed in accordance with Subsection (4)(a);
- 1099 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 1100 (iii) return the petition and file the ballot title with the local clerk.

1101 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1102 be printed on the official ballot.

1103 (5) Immediately after the local attorney files a copy of the ballot title with the local
1104 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1105 petition and the local legislative body for the jurisdiction where the initiative petition was
1106 circulated.

1107 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1108 comply with the requirements of this section, the decision of the local attorney may be
1109 appealed [by a petition] to the district court, or, if the Supreme Court has original jurisdiction,
1110 to the Supreme Court [that is], brought by:

1111 (i) at least three sponsors of the initiative petition; or
 1112 (ii) a majority of the local legislative body for the jurisdiction where the initiative
 1113 petition was circulated.

1114 (b) The ~~[Supreme Court]~~ court:

1115 (i) shall examine the measures and consider arguments~~[, and, in its decision,];~~ and

1116 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
 1117 this section.

1118 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
 1119 official ballot.

1120 Section 19. Section **20A-7-509** is amended to read:

1121 **20A-7-509. Form of ballot -- Manner of voting.**

1122 (1) The local clerk shall ensure that the number and ballot title are presented upon the
 1123 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
 1124 presented with an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's
 1125 vote.

1126 (2) ~~[Electors]~~ Voters desiring to vote in favor of enacting the law proposed by the
 1127 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ voters desiring
 1128 to vote against enacting the law proposed by the initiative petition shall mark the square
 1129 adjacent to the word "Against."

1130 Section 20. Section **20A-7-510** is amended to read:

1131 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
 1132 **proclamation.**

1133 (1) The votes on the law proposed by the initiative petition shall be counted,
 1134 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1135 (2) After the local board of canvassers completes its canvass, the local clerk shall
 1136 certify to the local legislative body the vote for and against the law proposed by the initiative
 1137 petition.

1138 (3) (a) The local legislative body shall immediately issue a proclamation that:

1139 (i) gives the total number of votes cast in the local jurisdiction for and against each law
 1140 proposed by an initiative petition; and

1141 (ii) declares those laws proposed by an initiative petition that were approved by

1142 majority vote to be in full force and effect as the law of the local jurisdiction.

1143 (b) When the local legislative body determines that two proposed laws, or that parts of
1144 two proposed laws approved by the people at the same election are entirely in conflict, they
1145 shall proclaim that measure to be law that has received the greatest number of affirmative
1146 votes, regardless of the difference in the majorities which those measures have received.

1147 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
1148 voter who signed the initiative petition proposing the law that is declared by the local
1149 legislative body to be superseded by another measure approved at the same election may ~~[apply~~
1150 ~~to the]~~ bring an action in district court, or, if the Supreme Court has original jurisdiction, the
1151 Supreme Court to review the decision.

1152 (ii) The court shall:

1153 (A) consider the matter and decide whether ~~[or not]~~ the proposed laws are entirely in
1154 conflict; and

1155 (B) ~~[certify its]~~ issue an order, consistent with the court's decision, to the local
1156 legislative body.

1157 (4) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court
1158 certifies the decision, the local legislative body shall:

1159 (a) proclaim as law all ~~[those]~~ measures approved by the people ~~[as law]~~ that the
1160 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1161 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~
1162 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure
1163 that received the greatest number of affirmative votes, regardless of the difference in
1164 majorities.

1165 Section 21. Section **20A-7-512** is amended to read:

1166 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1167 (1) It is unlawful for any ~~[person]~~ individual to:

1168 (a) sign any name other than the ~~[person's own]~~ individual's own name to any initiative
1169 petition;

1170 ~~[(b) knowingly sign the person's name more than once for the same measure at one~~
1171 ~~election;]~~

1172 ~~[(c)]~~ (b) sign an initiative knowing the ~~[person]~~ individual is not a legal voter; or

1173 ~~(c)~~ (c) knowingly and willfully violate any provision of this part.

1174 (2) It is unlawful for any ~~person~~ individual to sign the verification for an initiative
1175 packet knowing that:

1176 (a) the ~~person~~ individual does not meet the residency requirements of Section
1177 20A-2-105;

1178 (b) the ~~person~~ individual has not witnessed the signatures of ~~those persons~~ the
1179 individuals whose names appear in the initiative packet; or

1180 (c) one or more ~~persons~~ individuals whose signatures appear in the initiative packet is
1181 either:

1182 (i) not registered to vote in Utah; or

1183 (ii) does not intend to become registered to vote in Utah.

1184 (3) ~~Any person violating~~ An individual who violates this part is guilty of a class A
1185 misdemeanor.

1186 Section 22. Section ~~20A-7-513~~ is amended to read:

1187 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1188 (1) No later than 60 days after the date of an election in which the voters approve an
1189 initiative petition, the budget officer shall:

1190 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1191 using current financial information and containing the information required by Subsection
1192 20A-7-502.5(2), except for the information required by Subsection 20A-7-502.5(2)(a)(vii); and

1193 (b) deliver a copy of the final fiscal impact statement to:

1194 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1195 (ii) the local clerk; and

1196 (iii) the first ~~five~~ three sponsors listed on the initiative application.

1197 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1198 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1199 majority vote:

1200 (a) repeal the law established by passage of the initiative;

1201 (b) amend the law established by the passage of the initiative; or

1202 (c) pass a resolution informing the voters that they may file an initiative petition to
1203 repeal the law enacted by the passage of the initiative.

1204 Section 23. Section ~~20A-7-601~~ is amended to read:

1205 **20A-7-601. Referenda -- General signature requirements -- Signature**
1206 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1207 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
1208 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
1209 ~~signatures equal to:]~~

1210 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~
1211 ~~of the United States at the last election at which a president of the United States was elected if~~
1212 ~~the total number of votes exceeds 25,000;]~~

1213 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~
1214 ~~president of the United States at the last election at which a president of the United States was~~
1215 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1216 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~
1217 ~~of the United States at the last election at which a president of the United States was elected if~~
1218 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1219 ~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~
1220 ~~of the United States at the last election at which a president of the United States was elected if~~
1221 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1222 ~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~
1223 ~~of the United States at the last election at which a president of the United States was elected if~~
1224 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1225 ~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~
1226 ~~of the United States at the last election at which a president of the United States was elected if~~
1227 ~~the total number of votes does not exceed 250;]~~

1228 ~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~
1229 ~~code, an annexation ordinance, and comprehensive zoning ordinances;]~~

1230 ~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~
1231 ~~local obligation law passed by the local legislative body submitted to a vote of the people shall~~
1232 ~~obtain legal signatures equal to:]~~

1233 ~~[(i) in a county or in a city of the first or second class, 20% of all votes cast in the~~
1234 ~~county or city for all candidates for president of the United States at the last election at which a~~

1235 ~~president of the United States was elected; and]~~

1236 ~~[(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the~~
1237 ~~city or town for all candidates for president of the United States at the last election at which a~~
1238 ~~president of the United States was elected.]~~

1239 ~~[(3) (a) As used in this Subsection (3):]~~

1240 ~~[(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~
1241 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law.]~~

1242 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~
1243 ~~legislative body that imposes a tax or other payment obligation on property in an area that does~~
1244 ~~not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]~~

1245 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~
1246 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~
1247 ~~subjurisdiction equal to:]~~

1248 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~
1249 ~~the United States at the last election at which a president of the United States was elected if the~~
1250 ~~total number of votes exceeds 25,000;]~~

1251 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~
1252 ~~of the United States at the last election at which a president of the United States was elected if~~
1253 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1254 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~
1255 ~~the United States at the last election at which a president of the United States was elected if the~~
1256 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1257 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~
1258 ~~the United States at the last election at which a president of the United States was elected if the~~
1259 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1260 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~
1261 ~~the United States at the last election at which a president of the United States was elected if the~~
1262 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1263 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1264 ~~the United States at the last election at which a president of the United States was elected if the~~
1265 ~~total number of votes does not exceed 250;]~~

1266 (1) As used in this section:

1267 (a) "Number of active voters" means the number of active voters in the county, city, or
1268 town on the immediately preceding January 1.

1269 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1270 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1271 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
1272 local legislative body that imposes a tax or other payment obligation on property in an area that
1273 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
1274 or metro township.

1275 (ii) "Subjurisdictional law" does not include a land use law.

1276 (d) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
1277 or (2)(b).

1278 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
1279 law passed by the local legislative body submitted to a vote of the people shall obtain legal
1280 signatures equal to:

1281 (a) for a metro township with a population of 100,000 or more, a city of the first class,
1282 or a county of the first class:

1283 (i) 8.5% of the number of active voters in the metro township, city, or county; and

1284 (ii) beginning on January 1, 2020, 8.5% of the number of active voters in at least 75%
1285 of the metro township's, city's, or county's voter participation areas;

1286 (b) for a metro township with a population of 65,000 or more but less than 100,000, a
1287 city of the second class, or a county of the second class:

1288 (i) 11% of the number of active voters in the metro township, city, or county; and

1289 (ii) beginning on January 1, 2020, 11% of the number of active voters in at least 75%
1290 of the metro township's, city's, or county's voter participation areas;

1291 (c) for a metro township with a population of 30,000 or more but less than 65,000, a
1292 city of the third class, or a county of the third class:

1293 (i) 13% of the number of active voters in the metro township, city, or county; and

1294 (ii) beginning on January 1, 2020, 13% of the number of active voters in at least 75%
1295 of the metro township's, city's, or county's voter participation areas;

1296 (d) for a metro township with a population of 10,000 or more but less than 30,000, a

1297 city of the fourth class, or a county of the fourth class:

1298 (i) 17.5% of the number of active voters in the metro township, city, or county; and

1299 (ii) beginning on January 1, 2020, 17.5% of the number of active voters in at least 75%
1300 of the metro township's, city's, or county's voter participation areas;

1301 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city
1302 of the fifth class, or a county of the fifth class, 30% of the number of active voters in the metro
1303 township, city, or county; or

1304 (f) for a metro township with a population of less than 1,000, a town, or a county of the
1305 sixth class, 35% of the number of active voters in the metro township, town, or county.

1306 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
1307 law or local obligation law passed by the local legislative body submitted to a vote of the
1308 people shall obtain legal signatures equal to:

1309 (a) for a metro township with a population of 65,000 or more, a city of the first or
1310 second class, or a county:

1311 (i) 17% of the number of active voters in the metro township, city, or county; and

1312 (ii) beginning on January 1, 2020, 17% of the number of active voters in at least 75%
1313 of the metro township's, city's, or county's voter participation areas; or

1314 (b) for a metro township with a population of less than 65,000, a city of the third,
1315 fourth, or fifth class, or a town:

1316 (i) 32% of the number of active voters in the metro township, city, or town; and

1317 (ii) except for a metro township with a population of less than 10,000, a city of the fifth
1318 class, a county of the fifth class, or a town, beginning on January 1, 2020, 32% of the number
1319 of active voters in at least 75% of the metro township's, city's, or county's voter participation
1320 areas.

1321 (4) An eligible voter seeking to have a subjurisdictional law passed by the local
1322 legislative body submitted to a vote of the people shall obtain legal signatures of the residents
1323 in the subjurisdiction equal to:

1324 (a) for a subjurisdiction with a population of 100,000 or more, 17% of the number of
1325 active voters in the subjurisdiction;

1326 (b) for a subjurisdiction with a population of 65,000 or more but less than 100,000,
1327 22% of the number of active voters in the subjurisdiction;

1328 (c) for a subjurisdiction with a population of 30,000 or more but less than 65,000, 26%
1329 of the number of active voters in the subjurisdiction;

1330 (d) for a subjurisdiction with a population of 10,000 or more but less than 30,000, 28%
1331 of the number of active voters in the subjurisdiction;

1332 (e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 30%
1333 of the number of active voters in the subjurisdiction; or

1334 (f) for a subjurisdiction with a population of less than 1,000, 35% of the number of
1335 active voters in the subjurisdiction.

1336 [~~(4)~~] (5) (a) Sponsors of any referendum petition challenging, under Subsection [~~(1)~~;
1337 ~~(2)~~, or ~~(3)~~] (2), (3), or (4), any local law passed by a local legislative body shall file the
1338 application within [~~five~~] seven days after the [~~passage of~~] day on which the local law was
1339 passed.

1340 (b) Except as provided in Subsection [~~(4)~~] (5)(c), when a referendum petition has been
1341 declared sufficient, the local law that is the subject of the petition does not take effect unless
1342 and until the local law is approved by a vote of the people.

1343 (c) When a referendum petition challenging a subjurisdictional law has been declared
1344 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
1345 and until the subjurisdictional law is approved by a vote of the people who reside in the
1346 subjurisdiction.

1347 [~~(5)~~] (6) If the referendum passes, the local law that was challenged by the referendum
1348 is repealed as of the date of the election.

1349 [~~(6)~~] (7) Nothing in this section authorizes a local legislative body to impose a tax or
1350 other payment obligation on a subjurisdiction in order to benefit an area outside of the
1351 subjurisdiction.

1352 Section 24. Section **20A-7-602** is amended to read:

1353 **20A-7-602. Local referendum process -- Application procedures.**

1354 (1) [~~Persons~~] An eligible voter wishing to circulate a referendum petition shall file an
1355 application with the local clerk.

1356 (2) The application shall contain:

1357 (a) the name and residence address of at least five sponsors of the referendum petition;

1358 (b) a certification indicating that each of the sponsors[~~(+)~~] is a resident of Utah; [~~and~~]

1359 ~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~
1360 ~~election in Utah within the last three years; or]~~

1361 ~~[(B) if the referendum challenges a municipal local law, has voted in a regular~~
1362 ~~municipal election in Utah within the last three years;]~~

1363 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
1364 the last three years;

1365 ~~[(c)]~~ (d) the signature of each of the sponsors, [attested to] acknowledged by a notary
1366 public; and

1367 ~~[(d)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the
1368 law; or

1369 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
1370 written description of the local law, including the result of the vote on the local law.

1371 Section 25. Section **20A-7-602.5** is amended to read:

1372 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1373 (1) Within three ~~[working]~~ business days after the day on which the local clerk receives
1374 an application for a referendum petition, the local clerk shall submit a copy of the application
1375 to the county, city, or town's budget officer.

1376 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1377 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1378 repeal that contains:

1379 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1380 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
1381 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1382 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
1383 would result from the law's repeal;

1384 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1385 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1386 decrease in public debt that would result;

1387 (iv) a listing of all sources of funding for the estimated costs that would be associated
1388 with the law's repeal, showing each source of funding and the percentage of total funding that
1389 would be provided from each source;

1390 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1391 local government entities if the law were repealed;

1392 (vi) the legal impacts that would result from repealing the law, including:

1393 (A) any significant effects on a person's vested property rights;

1394 (B) any significant effects on other laws or ordinances;

1395 (C) any significant legal liability the city, county, or town may incur; and

1396 (D) any other significant legal impact as determined by the budget officer and the legal
1397 counsel; and

1398 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1399 the estimated fiscal impact, if any, if the law were repealed.

1400 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1401 include a summary statement in the initial fiscal impact statement in substantially the following
1402 form:

1403 "The (title of the local budget officer) estimates that repealing the law this referendum
1404 proposes to repeal would have no significant fiscal impact and would not result in either an
1405 increase or decrease in taxes or debt."

1406 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1407 shall include a summary statement describing the fiscal impact.

1408 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1409 difficult to reasonably express in a summary statement, the local budget officer may include in
1410 the summary statement a brief explanation that identifies those factors impacting the variability
1411 or difficulty of the estimate.

1412 (3) Within [~~25~~] 20 calendar days after the day on which the local clerk submits a copy
1413 of the application under Subsection (1), the budget officer shall:

1414 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1415 estimate, to the local clerk's office; and

1416 (b) [~~mail~~] deliver a copy of the initial fiscal impact estimate, including the legal impact
1417 estimate, to the first [~~five~~] three sponsors named in the application.

1418 Section 26. Section ~~20A-7-602.7~~ is enacted to read:

1419 **20A-7-602.7. Referability to voters of local law other than land use law.**

1420 (1) Within 20 days after the day on which an eligible voter files an application to

1421 circulate a referendum petition under Section 20A-7-602 for a local law other than a land use
1422 law, the county, city, town, or metro township to which the referendum pertains shall:

1423 (a) review the application to determine whether the proposed referendum is legally
1424 referable to voters; and

1425 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1426 (i) legally referable to voters; or

1427 (ii) rejected as not legally referable to voters.

1428 (2) For a local law other than a land use law, a proposed referendum is legally referable
1429 to voters unless:

1430 (a) the proposed referendum challenges an action that is administrative, rather than
1431 legislative, in nature;

1432 (b) the proposed referendum challenges more than one law passed by the local
1433 legislative body; or

1434 (c) the application for the proposed referendum was not timely filed or does not
1435 comply with the requirements of this part.

1436 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1437 or metro township may not, for a local law other than a land use law:

1438 (a) reject a proposed referendum as not legally referable to voters; or

1439 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
1440 proposed referendum on the grounds that the proposed referendum is not legally referable to
1441 voters.

1442 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a
1443 proposed referendum concerning a local law other than a land use law, a sponsor of the
1444 proposed referendum may, within 10 days after the day on which a sponsor is notified under
1445 Subsection (1)(b), challenge or appeal the decision to:

1446 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

1447 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
1448 under Subsection (4)(a)(i).

1449 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)
1450 (a) terminates the referendum.

1451 (5) If, on a challenge or appeal, the court determines that the proposed referendum

1452 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
1453 Subsection 20A-7-604(2) within five days after the day on which the determination, and any
1454 challenge or appeal of the determination, is final.

1455 Section 27. Section **20A-7-602.8** is enacted to read:

1456 **20A-7-602.8. Referability to voters of local land use law.**

1457 (1) Within 20 days after the day on which an eligible voter files an application to
1458 circulate a referendum petition under Section 20A-7-602 for a land use law, the county,
1459 city, town, or metro township to which the referendum pertains shall:

1460 (a) review the application to determine whether the proposed referendum is legally
1461 referable to voters; and

1462 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1463 (i) legally referable to voters; or

1464 (ii) rejected as not legally referable to voters.

1465 (2) For a land use law, a proposed referendum is legally referable to voters unless:

1466 (a) the proposed referendum challenges an action that is administrative, rather than
1467 legislative, in nature;

1468 (b) the proposed referendum challenges a land use decision, rather than a land use
1469 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

1470 (c) the proposed referendum challenges more than one law passed by the local
1471 legislative body; or

1472 (d) the application for the proposed referendum was not timely filed or does not
1473 comply with the requirements of this part.

1474 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1475 or metro township may not, for a land use law:

1476 (a) reject a proposed referendum as not legally referable to voters; or

1477 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
1478 proposed referendum on the grounds that the proposed referendum is not legally referable to
1479 voters.

1480 (4) (a) If a county, city, town, or metro township rejects a proposed referendum
1481 concerning a land use law, a sponsor of the proposed referendum may, within seven days after
1482 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision

1483 to:

1484 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

1485 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
1486 under Subsection (4)(a)(i).

1487 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
1488 (4)(a) terminates the referendum.

1489 (5) If, on challenge or appeal, the court determines that the proposed referendum is
1490 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within
1491 five days after the day on which the determination, and any challenge or appeal of the
1492 determination, is final.

1493 Section 28. Section 20A-7-603 is amended to read:

1494 **20A-7-603. Form of referendum petition and signature sheets.**

1495 (1) (a) Each proposed referendum petition shall be printed in substantially the
1496 following form:

1497 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
1498 Recorder/Town Clerk:

1499 We, the undersigned citizens of Utah, respectfully order that (description of local law or
1500 portion of local law being challenged), passed by the ____ be referred to the voters for their
1501 approval or rejection at the regular/municipal general election to be held on
1502 _____(month\day\year);

1503 Each signer says:

1504 I have personally signed this petition;

1505 The date next to my signature correctly reflects the date that I actually signed the
1506 petition;

1507 I have personally reviewed the entire statement included with this packet;

1508 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1509 certification of the petition names by the county clerk; and

1510 My residence and post office address are written correctly after my name."

1511 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
1512 referendum to each referendum petition.

1513 (2) Each signature sheet shall:

- 1514 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 1515 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1516 that line blank for the purpose of binding;
- 1517 (c) contain the title of the referendum printed below the horizontal line;
- 1518 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1519 under the title of the referendum;
- 1520 (e) contain, to the right of the word "Warning," the following statement printed or
1521 typed in not less than eight-point, single-leaded type:
- 1522 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1523 other name than the individual's own name, or to knowingly sign the individual's name more
1524 than once for the same measure, or to sign a referendum petition when the individual knows
1525 that the individual is not a registered voter and knows that the individual does not intend to
1526 become registered to vote before the certification of the petition names by the county clerk.";
- 1527 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1528 statement required by this section;
- 1529 (g) be vertically divided into columns as follows:
- 1530 (i) the edge of the first column shall appear [at] .5 inch from the extreme left of the
1531 sheet, be [five-eighths] .25 inch wide, and be headed, together with the second column, "For
1532 Office Use Only[;]" [and be subdivided with a light vertical line down the middle];
- 1533 (ii) the second column shall be .25 inch wide;
- 1534 [(ii)] (iii) the [next] third column shall be [2-1/2] 2.5 inches wide, headed "Registered
1535 Voter's Printed Name (must be legible to be counted)";
- 1536 [(iii)] (iv) the [next] fourth column shall be [2-1/2] 2.5 inches wide, headed "Signature
1537 of Registered Voter";
- 1538 (v) the fifth column shall be .75 inch wide, headed "Date Signed";
- 1539 [(iv)] (vi) the [next] sixth column shall be [~~one inch~~] three inches wide, headed ["~~Birth~~
1540 ~~Date or Age (Optional)~~" "Street Address, City, Zip Code"; and
- 1541 [(v)] (vii) the [~~final~~] seventh column shall be [~~4-3/8 inches~~] .75 inch wide, headed
1542 ["~~Street Address, City, Zip Code~~";] "Birth Date or Age (Optional)";
- 1543 (h) be horizontally divided into rows as follows:
- 1544 (i) the top of the first row, for the purpose of entering the information described in

1545 Subsection (2)(g), shall be .5 inch high;

1546 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may~~
1547 ~~submit the information described in Subsection (2)(g);]~~

1548 (ii) the second row shall be .15 inch high and contain the following statement printed
1549 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
1550 stating that you have read and understand the law this petition seeks to overturn."; and

1551 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
1552 bottom of the sheet for the information described in Subsection (2)(i); and

1553 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
1554 information is not required, but it may be used to verify your identity with voter registration
1555 records. If you choose not to provide it, your signature may not be verified as a valid signature
1556 if you change your address before petition signatures are verified or if the information you
1557 provide does not match your voter registration records."

1558 (3) The final page of each referendum packet shall contain the following printed or
1559 typed statement:

1560 "Verification

1561 State of Utah, County of _____

1562 I, _____, of _____, hereby state that:

1563 I am a resident of Utah and am at least 18 years old;

1564 All the names that appear in this referendum packet were signed by [~~persons~~]

1565 individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each
1566 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1567 I did not make a misrepresentation of fact concerning the law this petition seeks to
1568 overturn;

1569 I believe that each individual has printed and signed [~~his~~] the individual's name and
1570 written [~~his~~] the individual's post office address and residence correctly, and that each signer is
1571 registered to vote in Utah or intends to become registered to vote before the certification of the
1572 petition names by the county clerk.

1573 _____"

1574 (4) The forms prescribed in this section are not mandatory, and, if substantially
1575 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical

1576 errors.

1577 Section 29. Section **20A-7-604** is amended to read:

1578 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
1579 **materials.**

1580 (1) In order to obtain the necessary number of signatures required by this part, the
1581 sponsors shall, after the sponsors receive the documents described in Subsection (2) and
1582 Subsection [20A-7-401.5\(4\)\(b\)](#), circulate referendum packets that meet the form requirements
1583 of this part.

1584 (2) Within five days after the day on which a [~~local clerk receives an application that~~
1585 ~~complies with the requirements of Section [20A-7-602](#)]~~ county, city, town, metro township, or
1586 court determines, in accordance with Section [20A-7-602.7](#), that a proposed referendum is
1587 legally referable to voters, the local clerk shall furnish to the sponsors[~~:(a) five copies~~] a copy
1588 of the referendum petition[;] and a signature sheet.

1589 [~~(b) five signature sheets.~~]

1590 (3) The sponsors of the petition shall:

1591 (a) arrange and pay for the printing of all additional copies of the petition and signature
1592 sheets; and

1593 (b) ensure that the copies of the petition and signature sheets meet the form
1594 requirements of this section.

1595 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
1596 referendum packets.

1597 (b) The sponsors shall create those packets by binding a copy of the referendum
1598 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
1599 sheets together at the top in such a way that the packets may be conveniently opened for
1600 signing.

1601 (c) The sponsors need not attach a uniform number of signature sheets to each
1602 referendum packet.

1603 [~~(5) (a) After the sponsors have prepared sufficient referendum packets, they shall~~
1604 ~~return them to the local clerk.~~]

1605 [~~(b) The local clerk shall:~~]

1606 [~~(i) number each of the referendum packets and return them to the sponsors within five~~

1607 ~~working days; and]~~

1608 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

1609 (d) The sponsors shall include, with each packet, a copy of the proposition information
1610 pamphlet provided to the sponsors under Subsection [20A-7-401.5\(4\)\(b\)](#).

1611 Section 30. Section **20A-7-605** is amended to read:

1612 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1613 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1614 resides in the local jurisdiction.

1615 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
1616 signature sheet was signed:

1617 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
1618 and

1619 (ii) verifies each signature sheet by completing the verification printed on the last page
1620 of each referendum packet.

1621 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
1622 the referendum packet if the ~~[person]~~ individual signed a signature sheet in the referendum
1623 packet.

1624 (c) For a referendum on a land use law:

1625 (i) the sponsors shall deliver a signed and verified packet to the county clerk no later
1626 than seven days after the day on which the first individual signs the referendum packet; and

1627 (ii) the sponsors may not submit a packet later than the deadline described in
1628 Subsection (2)(c)(i).

1629 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
1630 removed from the petition by submitting a ~~[notarized]~~ statement to that effect to the local clerk.

1631 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1632 clerk shall remove the signature of the ~~[person]~~ individual submitting the statement from the
1633 referendum petition.

1634 (c) A local clerk may not remove signatures from a referendum petition later than
1635 seven days after the ~~[petition has been submitted to the county clerk to be certified]~~ day on
1636 which the sponsors timely submit the last signature packet to the county clerk.

1637 Section 31. Section **20A-7-606.3** is amended to read:

1638 **20A-7-606.3. Verification of petition signatures.**

1639 (1) (a) For the purposes of this section, "substantially similar name" means:

1640 (i) the given name and surname shown on the petition, or both, contain only minor
1641 spelling differences when compared to the given name and surname shown on the official
1642 register;

1643 (ii) the surname shown on the petition exactly matches the surname shown on the
1644 official register, and the given names differ only because one of the given names shown is a
1645 commonly used abbreviation or variation of the other;

1646 (iii) the surname shown on the petition exactly matches the surname shown on the
1647 official register, and the given names differ only because one of the given names shown is
1648 accompanied by a first or middle initial or a middle name which is not shown on the other
1649 record; or

1650 (iv) the surname shown on the petition exactly matches the surname shown on the
1651 official register, and the given names differ only because one of the given names shown is an
1652 alphabetically corresponding initial that has been provided in the place of a given name shown
1653 on the other record.

1654 (b) For the purposes of this section, "substantially similar name" does not mean a name
1655 having an initial or a middle name shown on the petition that does not match a different initial
1656 or middle name shown on the official register.

1657 (2) The county clerk shall use the following procedures in determining whether or not a
1658 signer is a registered voter:

1659 (a) When a signer's name and address shown on the petition exactly match a name and
1660 address shown on the official register and the signer's signature appears substantially similar to
1661 the signature on the statewide voter registration database, the county clerk shall declare the
1662 signature valid.

1663 (b) When there is no exact match of an address and a name, the county clerk shall
1664 declare the signature valid if:

1665 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1666 official register with a substantially similar name; and

1667 (ii) the signer's signature appears substantially similar to the signature on the statewide
1668 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1669 (c) When there is no match of an address and a substantially similar name, the county
1670 clerk shall declare the signature valid if:

1671 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an
1672 individual on the official register with a substantially similar name; and

1673 (ii) the signer's signature appears substantially similar to the signature on the statewide
1674 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1675 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1676 clerk shall declare the signature to be invalid.

1677 (4) (a) If a proposed referendum relates to a land use law, a resident or land owner
1678 within the area affected by the land use law may request a copy of the signature packets
1679 submitted to the county clerk.

1680 (b) A county clerk shall, within three business days after the day on which the county
1681 clerk receives a request under Subsection (4)(a), provide:

1682 (i) copies of the signature packets to the requestor with the dates of birth redacted and
1683 no other information redacted; or

1684 (ii) a printout or computer file containing the names and other information from the
1685 signature packets, other than the dates of birth.

1686 (c) The county clerk may not provide a final verification of the signature packets
1687 submitted for a proposed referendum relating to a land use law until eight days after the day on
1688 which a sponsor submits the final, timely signature packet to the county clerk to be certified.

1689 Section 32. Section **20A-7-607** is amended to read:

1690 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
1691 **referendum.**

1692 (1) When each referendum packet is received from a county clerk, the local clerk shall
1693 check off from the local clerk's record the number of each referendum packet filed.

1694 (2) Within [~~15~~] two days after the day on which the local clerk receives each
1695 referendum packet from a county clerk, the local clerk shall:

1696 (a) count the number of the names certified by the county clerks that appear on each
1697 verified signature sheet;

1698 (b) if the total number of certified names from each verified signature sheet equals or
1699 exceeds the number of names required by Section **20A-7-601** and the requirements of this part

1700 are met, mark upon the front of the petition the word "sufficient";

1701 (c) if the total number of certified names from each verified signature sheet does not
1702 equal or exceed the number of names required by Section [20A-7-601](#) or a requirement of this
1703 part is not met, mark upon the front of the petition the word "insufficient"; and

1704 (d) notify any one of the sponsors of the local clerk's finding.

1705 (3) If the local clerk finds the total number of certified signatures from each verified
1706 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1707 for a recount of the signatures appearing on the referendum petition in the presence of any
1708 sponsor.

1709 (4) (a) If the local clerk refuses to accept and file any referendum petition, any voter
1710 may apply to [~~the Supreme Court~~] a court for an extraordinary writ to compel the local clerk to
1711 do so within 10 days after the refusal.

1712 (b) If [~~the Supreme Court~~] a court determines that the referendum petition is legally
1713 sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of
1714 the date on which it was originally offered for filing in the local clerk's office.

1715 (c) If [~~the Supreme Court~~] a court determines that any petition filed is not legally
1716 sufficient, the [~~Supreme Court~~] court may enjoin the local clerk and all other officers from:

1717 (i) certifying or printing the ballot title and numbers of that measure on the official
1718 ballot for the next election; or

1719 (ii) as it relates to a local tax law that is conducted entirely by absentee ballot,
1720 certifying, printing, or mailing the ballot title and numbers of that measure under Section
1721 [20A-7-609.5](#).

1722 (5) A petition determined to be sufficient in accordance with this section is qualified
1723 for the ballot.

1724 (6) (a) If a referendum relates to legislative action taken after April 15, the election
1725 officer may not place the referendum on an election ballot until a primary election, a general
1726 election, or a special election the following year.

1727 (b) For a referendum on a land use law, if, before August 30, the local clerk or a court
1728 determines that the total number of certified names equals or exceeds the number of signatures
1729 required in Section [20A-7-601](#), the election officer shall place the referendum on the election
1730 ballot for the next general election.

1731 Section 33. Section **20A-7-608** is amended to read:

1732 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1733 (1) [~~Whenever a referendum petition is declared sufficient for submission to a vote of~~
1734 ~~the people,~~] Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
1735 petition and the proposed law to the local attorney.

1736 (2) The local attorney shall:

1737 (a) entitle each county or municipal referendum that has qualified for the ballot
1738 "Proposition Number ___" and give it a number as assigned under Section [20A-6-107](#);

1739 (b) prepare a proposed ballot title for the referendum;

1740 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1741 within [~~15~~] 20 days after the [~~date the referendum petition is declared sufficient for submission~~
1742 ~~to a vote of the people~~] day on which an eligible voter submits the referendum petition to the
1743 local clerk; and

1744 (d) promptly provide notice of the filing of the proposed ballot title to:

1745 (i) the sponsors of the petition; and

1746 (ii) the local legislative body for the jurisdiction where the referendum petition was
1747 circulated.

1748 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
1749 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1750 (b) In preparing a ballot title, the local attorney shall, to the best of [~~his~~] the local
1751 attorney's ability, give a true and impartial statement of the purpose of the measure.

1752 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1753 for or against the measure.

1754 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1755 title under Subsection (2)(c), the local legislative body for the jurisdiction where the
1756 referendum petition was circulated and the sponsors of the petition may file written comments
1757 in response to the proposed ballot title with the local clerk.

1758 (b) Within five calendar days after the last date to submit written comments under
1759 Subsection (4)(a), the local attorney shall:

1760 (i) review any written comments filed in accordance with Subsection (4)(a);

1761 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1762 (iii) return the petition and file the ballot title with the local clerk.

1763 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1764 be printed on the official ballot.

1765 (5) Immediately after the local attorney files a copy of the ballot title with the local
1766 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1767 petition and the local legislative body for the jurisdiction where the referendum petition was
1768 circulated.

1769 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1770 comply with the requirements of this section, the decision of the local attorney may be
1771 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,
1772 to the Supreme Court [that is], brought by:

1773 (i) at least three sponsors of the referendum petition; or

1774 (ii) a majority of the local legislative body for the jurisdiction where the referendum
1775 petition was circulated.

1776 (b) The ~~[Supreme Court]~~ court:

1777 (i) shall examine the measures and consider the arguments~~[-, and, in its decision,]; and~~

1778 (ii) may ~~[certify]~~ issue an order to the local clerk that includes a ballot title for the
1779 measure that fulfills the intent of this section.

1780 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1781 official ballot.

1782 Section 34. Section **20A-7-609.5** is amended to read:

1783 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1784 **by absentee ballot.**

1785 (1) An election officer may administer an election on a referendum challenging a local
1786 tax law entirely by absentee ballot.

1787 (2) For purposes of an election conducted under this section, the election officer shall:

1788 (a) designate as the election day the day that is 30 days after the day on which the
1789 election officer complies with Subsection (2)(b); and

1790 (b) within 30 days after the day on which the referendum described in Subsection (1)
1791 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1792 local tax law applies:

- 1793 (i) an absentee ballot;
- 1794 (ii) a statement that there will be no polling place in the voting precinct for the
1795 election;
- 1796 (iii) a statement specifying the election day described in Subsection (2)(a);
- 1797 (iv) a business reply mail envelope;
- 1798 (v) instructions for returning the ballot that include an express notice about any
1799 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~[and]~~
- 1800 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1801 the voter fails to follow the instructions included with the absentee ballot, the voter will be
1802 unable to vote in that election because there will be no polling place in the voting precinct on
1803 the day of the election[-]; and
- 1804 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
1805 proposition information pamphlet relating to the referendum was published under Section
1806 20A-7-401.5; or
- 1807 (B) a website address where an individual may view a copy of the proposition
1808 information pamphlet described in Subsection (2)(b)(vii)(A).
- 1809 (3) A voter who votes by absentee ballot under this section is not required to apply for
1810 an absentee ballot as required by this part.
- 1811 (4) An election officer who administers an election under this section shall:
- 1812 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1813 the election; or
- 1814 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1815 and
- 1816 (b) maintain the signatures on file in the election officer's office.
- 1817 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1818 officer shall compare the signature on each absentee ballot with the voter's signature that is
1819 maintained on file and verify that the signatures are the same.
- 1820 (b) If the election officer questions the authenticity of the signature on the absentee
1821 ballot, the election officer shall immediately contact the voter to verify the signature.
- 1822 (c) If the election officer determines that the signature on the absentee ballot does not
1823 match the voter's signature that is maintained on file, the election officer shall:

1824 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
1825 passed, immediately send another absentee ballot and other voting materials as required by this
1826 section to the voter; and

1827 (ii) disqualify the initial absentee ballot.

1828 Section 35. Section 20A-7-610 is amended to read:

1829 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
1830 **proclamation.**

1831 (1) The votes on the [~~law proposed by~~] proposed law that is the subject of the
1832 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1833 Chapter 4, Part 3, Canvassing Returns.

1834 (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall
1835 certify to the local legislative body the vote for and against the [~~law proposed by~~] proposed law
1836 that is the subject of the referendum petition.

1837 (3) (a) The local legislative body shall immediately issue a proclamation that:

1838 (i) gives the total number of votes cast in the local jurisdiction for and against each
1839 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1840 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that
1841 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1842 (b) When the local legislative body determines that two proposed laws, or that parts of
1843 two proposed laws approved by the people at the same election are entirely in conflict, they
1844 shall proclaim that measure to be law that has received the greatest number of affirmative
1845 votes, regardless of the difference in the majorities which those measures have received.

1846 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
1847 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law
1848 that is declared by the local legislative body to be superseded by another measure approved at
1849 the same election may [~~apply to the~~] bring an action in a district court, or, if the Supreme Court
1850 has original jurisdiction, the Supreme Court to review the decision.

1851 (b) The [~~Supreme Court~~] court shall:

1852 (i) consider the matter and decide whether [~~or not~~] the proposed laws are entirely in
1853 conflict; and

1854 (ii) [~~certify its~~] issue an order, consistent with the court's decision, to the local

1855 legislative body.

1856 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
 1857 certifies the decision, the local legislative body shall:

1858 (a) proclaim [~~all those~~] as law all measures approved by the people [~~as law~~] that the
 1859 [~~Supreme Court has determined~~] court determines are not in conflict; and

1860 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
 1861 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
 1862 that received the greatest number of affirmative votes, regardless of the difference in
 1863 majorities.

1864 Section 36. Section **20A-7-612** is amended to read:

1865 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1866 (1) It is unlawful for [~~any person~~] an individual to:

1867 (a) sign any name other than [~~his own~~] the individual's own name to any referendum
 1868 petition;

1869 [~~(b) knowingly sign his name more than once for the same measure at one election;~~]

1870 [~~(c)~~] (b) sign a referendum knowing [~~he~~] that the individual is not a legal voter; [~~or~~]

1871 (c) in connection with circulating a referendum petition, represent that a document is
 1872 an official government document if the individual knows or has reason to know that the
 1873 document is not an official government document; or

1874 (d) knowingly and willfully violate any provision of this part.

1875 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a
 1876 referendum packet knowing that:

1877 (a) [~~he~~] the individual does not meet the residency requirements of Section **20A-2-105**;

1878 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the
 1879 individuals whose names appear in the referendum packet; or

1880 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum
 1881 packet;

1882 (i) is either:

1883 [(i)] (A) not registered to vote in Utah; or

1884 [(ii)] (B) does not intend to become registered to vote in Utah[-]; or

1885 (ii) appears next to an inaccurate date of signature.

1886 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1887 misdemeanor.

1888 (4) The county attorney or municipal attorney shall prosecute any violation of this
1889 section.

1890 Section 37. Section **20A-7-613** is amended to read:

1891 **20A-7-613. Property tax referendum petition.**

1892 (1) As used in this section, "certified tax rate" means the same as that term is defined in
1893 Section 59-2-924.

1894 (2) Except as provided in this section, the requirements of this part apply to a
1895 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
1896 exceeds the certified tax rate.

1897 ~~[(3)]~~ Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of
1898 the referendum packets and return them to the sponsors within two working days.]

1899 ~~[(4)]~~ (3) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each
1900 signed and verified referendum packet to the county clerk of the county in which the packet
1901 was circulated no later than 40 days after the day on which the local clerk complies with
1902 Subsection ~~[(3)]~~ 20A-7-604(2).

1903 ~~[(5)]~~ (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall
1904 take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the
1905 day on which the county clerk receives the signed and verified referendum packet as described
1906 in Subsection ~~[(4)]~~ (3).

1907 ~~[(6)]~~ (5) The local clerk shall take the actions required by Section 20A-7-607 within
1908 two working days after the day on which the local clerk receives the referendum packets from
1909 the county clerk.

1910 ~~[(7)]~~ (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
1911 ballot title within two working days after the day on which the referendum petition is declared
1912 sufficient for submission to a vote of the people.

1913 ~~[(8)]~~ (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for
1914 the ballot under this section shall appear on the ballot for the earlier of the next regular general
1915 election or the next municipal general election unless a special election is called.

1916 ~~[(9)]~~ (8) Notwithstanding the requirements related to absentee ballots under this title:

1917 (a) the election officer shall prepare absentee ballots for those voters who have
1918 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
1919 Subsection [~~(7)~~] (6); and

1920 (b) the election officer shall mail absentee ballots on a referendum under this section
1921 the later of:

1922 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

1923 (ii) the time that absentee ballots are prepared for mailing under this section.

1924 [~~(10)~~] (9) Section 20A-7-402 does not apply to a referendum described in this section.

1925 [~~(11)~~] (10) (a) If a majority of voters does not vote against imposing the tax at a rate
1926 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
1927 entity's legislative body:

1928 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
1929 is its most recent certified tax rate; and

1930 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
1931 for the fiscal year after the fiscal year described in Subsection [~~(11)~~] (10)(a)(i) are the proposed
1932 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
1933 before the filing of the referendum petition.

1934 (b) If a majority of voters votes against imposing a tax at the rate established by the
1935 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
1936 taxing entity's most recent certified tax rate.

1937 (c) If the tax rate is set in accordance with Subsection [~~(11)~~] (10)(a)(ii), a taxing entity
1938 is not required to comply with the notice and public hearing requirements of Section 59-2-919
1939 if the taxing entity complies with those notice and public hearing requirements before the
1940 referendum petition is filed.

1941 [~~(12)~~] (11) The ballot title shall, at a minimum, include in substantially this form the
1942 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
1943 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
1944 budgeted, adopted, and approved by the [name of the taxing entity]".

1945 [~~(13)~~] (12) A taxing entity shall pay the county the costs incurred by the county that are
1946 directly related to meeting the requirements of this section and that the county would not have
1947 incurred but for compliance with this section.

1948 [~~(14)~~] (13) (a) An election officer shall include on a ballot a referendum that has not
1949 yet qualified for placement on the ballot, if:

1950 (i) sponsors file an application for a referendum described in this section;

1951 (ii) the ballot will be used for the election for which the sponsors are attempting to
1952 qualify the referendum; and

1953 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
1954 the day on which the ballot will be printed.

1955 (b) If an election officer includes on a ballot a referendum described in Subsection
1956 [~~(14)~~] (13)(a), the ballot title shall comply with Subsection [~~(12)~~] (11).

1957 (c) If an election officer includes on a ballot a referendum described in Subsection
1958 [~~(14)~~] (13)(a) that does not qualify for placement on the ballot, the election officer shall inform
1959 the voters by any practicable method that the referendum has not qualified for the ballot and
1960 that votes cast in relation to the referendum will not be counted.

1961 Section 38. Section **20A-11-1202** is amended to read:

1962 **20A-11-1202. Definitions.**

1963 As used in this part:

1964 (1) "Applicable election officer" means:

1965 (a) a county clerk, if the email relates only to a local election; or

1966 (b) the lieutenant governor, if the email relates to an election other than a local
1967 election.

1968 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1969 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
1970 the voters for their approval or rejection.

1971 (3) "Campaign contribution" means any of the following when done for a political
1972 purpose or to advocate for or against a ballot proposition:

1973 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
1974 given to a filing entity;

1975 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
1976 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
1977 of value to a filing entity;

1978 (c) any transfer of funds from another reporting entity to a filing entity;

1979 (d) compensation paid by any person or reporting entity other than the filing entity for
1980 personal services provided without charge to the filing entity;

1981 (e) remuneration from:

1982 (i) any organization or the organization's directly affiliated organization that has a
1983 registered lobbyist; or

1984 (ii) any agency or subdivision of the state, including a school district; or

1985 (f) an in-kind contribution.

1986 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1987 agency that receives its revenues from conduct of its commercial operations.

1988 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1989 cooperation agency that receives some or all of its revenues from:

1990 (i) government appropriations;

1991 (ii) taxes;

1992 (iii) government fees imposed for regulatory or revenue raising purposes; or

1993 (iv) interest earned on public funds or other returns on investment of public funds.

1994 (5) "Expenditure" means:

1995 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1996 or anything of value;

1997 (b) an express, legally enforceable contract, promise, or agreement to make any
1998 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1999 value;

2000 (c) a transfer of funds between a public entity and a candidate's personal campaign
2001 committee;

2002 (d) a transfer of funds between a public entity and a political issues committee; or

2003 (e) goods or services provided to or for the benefit of a candidate, a candidate's
2004 personal campaign committee, or a political issues committee for political purposes at less than
2005 fair market value.

2006 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).

2007 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
2008 agency that receives some or all of its revenues from:

2009 (a) government appropriations;

2010 (b) taxes;

2011 (c) government fees imposed for regulatory or revenue raising purposes; or

2012 (d) interest earned on public funds or other returns on investment of public funds.

2013 (8) ~~(a)~~ "Influence" means to campaign or advocate for or against a ballot proposition.

2014 ~~[(b) "Influence" does not mean providing a brief statement about a public entity's~~

2015 ~~position on a ballot proposition and the reason for that position.]~~

2016 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement

2017 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

2018 (10) "Local district" means an entity under Title 17B, Limited Purpose Local

2019 Government Entities - Local Districts, and includes a special service district under Title 17D,

2020 Chapter 1, Special Service District Act.

2021 (11) "Political purposes" means an act done with the intent or in a way to influence or

2022 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or

2023 against any:

2024 (a) candidate for public office at any caucus, political convention, primary, or election;

2025 or

2026 (b) judge standing for retention at any election.

2027 (12) "Proposed initiative" means an initiative proposed in an application filed under

2028 Section [20A-7-202](#) or [20A-7-502](#).

2029 (13) "Proposed referendum" means a referendum proposed in an application filed

2030 under Section [20A-7-302](#) or [20A-7-602](#).

2031 ~~[(12)]~~ (14) (a) "Public entity" includes the state, each state agency, each county,

2032 municipality, school district, local district, governmental interlocal cooperation agency, and

2033 each administrative subunit of each of them.

2034 (b) "Public entity" does not include a commercial interlocal cooperation agency.

2035 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,

2036 Department of Health Organization.

2037 ~~[(13)]~~ (15) (a) "Public funds" means any money received by a public entity from

2038 appropriations, taxes, fees, interest, or other returns on investment.

2039 (b) "Public funds" does not include money donated to a public entity by a person or

2040 entity.

2041 ~~[(14)]~~ (16) (a) "Public official" means an elected or appointed member of government
2042 with authority to make or determine public policy.

2043 (b) "Public official" includes the person or group that:

2044 (i) has supervisory authority over the personnel and affairs of a public entity; and

2045 (ii) approves the expenditure of funds for the public entity.

2046 ~~[(15)]~~ (17) "Reporting entity" means the same as that term is defined in Section
2047 [20A-11-101](#).

2048 ~~[(16)]~~ (18) (a) "State agency" means each department, commission, board, council,
2049 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
2050 library, unit, bureau, panel, or other administrative unit of the state.

2051 (b) "State agency" includes the legislative branch, the Board of Regents, the
2052 institutional councils of each higher education institution, and each higher education
2053 institution.

2054 Section 39. Section **20A-11-1203** is amended to read:

2055 **20A-11-1203. Public entity prohibited from expending public funds on certain**
2056 **electoral matters.**

2057 (1) Unless specifically required by law, and except as provided in Section
2058 [20A-11-1206](#), a public entity may not make an expenditure from public funds for political
2059 purposes ~~[or]~~, to influence a ballot proposition, or to influence a proposed initiative or
2060 proposed referendum.

2061 (2) A violation of this section does not invalidate an otherwise valid election.

2062 (3) This section does not prohibit the reasonable expenditure of public funds to gather
2063 information for, and respond directly to, an individual who makes an inquiry regarding a ballot
2064 proposition, a proposed initiative, or a proposed referendum.

2065 (4) This section does not prohibit a public entity from:

2066 (a) posting, on the public entity's website, an argument or information to influence a
2067 ballot proposition or to influence a proposed initiative or proposed referendum; or

2068 (b) otherwise disseminating an argument or information described in Subsection (4)(a)
2069 if the public entity:

2070 (i) at least seven days before the day on which the public entity disseminates the
2071 argument or information, provides written notice to the sponsors of the ballot proposition, the

2072 proposed initiative, or the proposed referendum that:

2073 (A) the public entity intends to disseminate the argument or information;

2074 (B) includes the text of the argument or information that the public entity intends to
2075 disseminate;

2076 (C) describes the manner of dissemination;

2077 (D) describes the date of dissemination;

2078 (E) provides notice to the sponsors that the sponsors have a right to include, at the end

2079 of the argument or information, a link to a website or other contact information where an

2080 individual may obtain an argument or information in opposition to the argument or information

2081 disseminated by the public entity; and

2082 (F) includes the deadline described in Subsection (4)(b)(ii); and

2083 (ii) includes, immediately at the end of the argument or information disseminated by

2084 the public entity, in the same size font as the argument or information, under the heading, "You

2085 may contact the following to view or obtain an opposing viewpoint," a link to the website, or

2086 other contact information, submitted to the public entity under Subsection (4)(b)(i)(E) within

2087 six days after the day on which the public entity provides the notice described in Subsection

2088 (4)(b)(i).

2089 Section 40. Section **20A-11-1205** is amended to read:

2090 **20A-11-1205. Use of public email for a political purpose.**

2091 (1) Except as provided in Subsection (5), a person may not send an email using the
2092 email of a public entity:

2093 (a) for a political purpose;

2094 (b) to advocate for or against a [~~ballot proposition~~] proposed initiative, initiative,
2095 proposed referendum, or referendum; or

2096 (c) to solicit a campaign contribution.

2097 (2) (a) The [~~applicable election officer shall~~] lieutenant governor shall, after giving the

2098 person and the complainant notice and opportunity to be heard, impose a civil fine against a

2099 person who violates Subsection (1) as follows:

2100 [~~(a)~~] (i) up to \$250 for a first violation; and

2101 [~~(b)~~] (ii) except as provided in Subsection (3), for each subsequent violation committed

2102 after any applicable election officer imposes a fine against the person for a first violation,

2103 \$1,000 multiplied by the number of violations committed by the person.

2104 (b) A person may, within five days after the day on which the lieutenant governor
2105 imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

2106 (3) The applicable election officer shall consider a violation of this section as a first
2107 violation if the violation is committed more than seven years after the day on which the person
2108 last committed a violation of this section.

2109 (4) For purposes of this section, one violation means one act of sending an email,
2110 regardless of the number of recipients of the email.

2111 (5) A person does not violate this section if:

2112 (a) the lieutenant governor finds that the email described in Subsection (1) was
2113 inadvertently sent by the person [~~described in Subsection (1);~~] using the email of a public
2114 entity[-];

2115 (b) the person is directly providing information solely to another person or a group of
2116 people in response to a question asked by the other person or group of people;

2117 (c) the information the person emails is an argument or rebuttal argument prepared
2118 under Section [20A-7-401.5](#) or [20A-7-402](#), and the email includes each opposing argument and
2119 rebuttal argument that:

2120 (i) relates to the same proposed initiative, initiative, proposed referendum, or
2121 referendum; and

2122 (ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#);

2123 (d) the person is engaging in an internal communication involving a public official or
2124 staff regarding the preparation of:

2125 (i) a written argument described in Section [20A-7-401.5](#);

2126 (ii) a written rebuttal argument described in Section [20A-7-402](#); or

2127 (iii) an initial fiscal and legal impact estimate described in Section [20A-7-502.5](#) or
2128 [20A-7-602.5](#); or

2129 (e) the person uses the email of a public entity to disseminate an argument or
2130 information in accordance with Subsection [20A-11-1203](#)(4).

2131 (6) A violation of this section does not invalidate an otherwise valid election.

2132 (7) An email sent in violation of Subsection (1), as determined by the records officer,
2133 constitutes a record, as defined in Section [63G-2-103](#), that is subject to the provisions of Title

2134 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any
2135 applicability of Subsection [63G-2-103](#)(22)(b)(i).

2136 Section 41. Section **20A-11-1206** is amended to read:

2137 **20A-11-1206. Exclusions.**

2138 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
2139 contributing personal money, or otherwise exercising the public official's individual First
2140 Amendment rights for political purposes.

2141 (2) (a) [Nothing] Subject to Subsection (2)(b), nothing in this chapter prohibits a public
2142 entity from providing factual information about a ballot proposition to the public, so long as the
2143 information grants equal access to both the opponents and proponents of the ballot proposition.

2144 (b) A county or municipality may not provide any information to the public about a
2145 proposed initiative, initiative, proposed referendum, or referendum unless the county or
2146 municipality:

2147 (i) provides the information in a manner required, or expressly permitted, by law; or

2148 (ii) is directly providing information solely to a person or a group of people in response
2149 to a question asked by the person or group of people.

2150 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of
2151 voters to vote.

2152 (4) Nothing in this chapter prohibits an elected official from campaigning or
2153 advocating for or against a ballot proposition.

2154 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
2155 amount of public funds to:

2156 (a) prepare and publish a written argument or written rebuttal argument in accordance
2157 with Section [20A-7-401.5](#), [20A-7-402](#), or [59-1-1604](#); or

2158 (b) prepare an argument for, and present an argument at, a public meeting under
2159 Section [20A-7-405](#) or [59-1-1605](#).

2160 (6) A county or municipality may not:

2161 (a) publish an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or
2162 [20A-7-402](#), unless, at the same time and in the same manner, the county or municipality
2163 publishes each opposing argument and rebuttal argument that:

2164 (i) relates to the same proposed initiative, initiative, proposed referendum, or

2165 referendum; and

2166 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

2167 (b) publish an argument or rebuttal argument for or against a proposed initiative,

2168 initiative, proposed referendum, or referendum that was not prepared and submitted in

2169 accordance with Section 20A-7-401.5 or 20A-7-402; or

2170 (c) present an argument or rebuttal argument for or against a proposed initiative,

2171 initiative, proposed referendum, or referendum at a public meeting, unless the county or

2172 municipality provides equal opportunity for persons to present opposing arguments and rebuttal

2173 arguments at the public meeting.

2174 Section 42. Section **63I-2-220** is amended to read:

2175 **63I-2-220. Repeal dates, Title 20A.**

2176 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.

2177 (2) Section 20A-5-804 is repealed July 1, 2023.

2178 (3) On January 1, 2019, Subsections 20A-6-107(2) and (4) are repealed and the
2179 remaining subsections, and references to those subsections, are renumbered accordingly.

2180 (4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "
2181 10-2a-302," is repealed.

2182 (5) On January 1, 2026:

2183 (a) In Subsection 20A-1-102[(23)] (22)(a), the language that states "or Title 20A,
2184 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

2185 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
2186 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
2187 repealed.

2188 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
2189 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
2190 Pilot Project," is repealed.

2191 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
2192 Subsection (5)," is repealed.

2193 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
2194 as provided in Subsections (5) and (6)," is repealed.

2195 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states

2196 "Subject to Subsection (5)," is repealed.

2197 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
2198 20A-3-105 are renumbered accordingly.

2199 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
2200 Subsection (2)(f)," is repealed.

2201 (i) Subsection 20A-4-101(2)(f) is repealed.

2202 (j) Subsection 20A-4-101[~~(4)~~] (3) is repealed and replaced with the following:

2203 "[~~(4)~~] (3) To resolve questions that arise during the counting of ballots, a counting
2204 judge shall apply the standards and requirements of Section 20A-4-105."

2205 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
2206 Subsection 20A-4-101(2)(f)(i)" is repealed.

2207 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

2208 "(b) To resolve questions that arise during the counting of ballots, a counting judge
2209 shall apply the standards and requirements of Section 20A-4-105."

2210 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
2211 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
2212 under Subsection 20A-4-101(2)(f)(i)" is repealed.

2213 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
2214 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
2215 repealed.

2216 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
2217 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

2218 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
2219 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
2220 Project," is repealed.

2221 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
2222 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

2223 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
2224 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

2225 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:

2226 "(v) from each voting precinct:

2227 (A) the number of votes for each candidate; and

2228 (B) the number of votes for and against each ballot proposition;".

2229 (t) Subsection [20A-4-401\(1\)\(a\)](#) is repealed, the remaining subsections in Subsection (1)

2230 are renumbered accordingly, and the cross-references to those subsections are renumbered

2231 accordingly.

2232 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is

2233 repealed.

2234 (v) Subsection [20A-5-404\(3\)\(b\)](#) is repealed and the remaining subsections in

2235 Subsection (3) are renumbered accordingly.

2236 (w) Subsection [20A-5-404\(4\)\(b\)](#) is repealed and the remaining subsections in

2237 Subsection (4) are renumbered accordingly.

2238 (x) Section [20A-6-203.5](#) is repealed.

2239 (y) In Subsections [20A-6-402\(1\)](#), (2), (3), and (4), the language that states "Except as

2240 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,

2241 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

2242 (z) In Subsection [20A-9-404\(1\)\(a\)](#), the language that states "or Title 20A, Chapter 4,

2243 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

2244 (aa) In Subsection [20A-9-404\(2\)](#), the language that states "Except as otherwise

2245 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is

2246 repealed.

2247 (6) Section [20A-7-407](#) is repealed January 1, 2021.

2248 Section 43. **Revisor instructions.**

2249 The Legislature intends that the Office of Legislative Research and General Counsel, in

2250 preparing the Utah Code database for publication, replace the reference in Subsection

2251 [20A-7-407\(1\)\(b\)](#) from "this bill" to the bill's designated chapter number in the Laws of Utah.